

MARION TOWNSHIP PLANNING COMMISSION AGENDA

REGULAR MEETING

February 28, 2023

7:30 PM

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

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: February 28, 2023 Regular Meeting

Approval of Minutes from: January 24, 2022 Regular Meeting

Public Hearing:

- 1) RZN#01-23 Mitch Harris Rezoning 4710-02-400-014,016,017,018

New Business:

- 1) RZN#01-23 Mitch Harris Rezoning 4710-02-400-014,016,017,018 Make recommendation And forward to LCPD for review and comment and then to BOT for final decision.
- 2) Call to the public Policy. Add to Bylaws?
- 3) Handout from Bruce on Crypto Mine
- 4) Memo From Bob on Ordinance Enforcement

Unfinished Business:

- 1) TXT#01-21 Kennels return comments from Livingston County Planning Department. Recommend to Board of Trustee?
- 2) TXT#03-22 Off-street parking return comments from Livingston County Planning Department. Recommend to Board of Trustee?
- 3) GO#01-23 continue PDR (Purchase Development Rights) ordinance discussion
- 4) review spreadsheet and determine work plan for 2023

Special Orders:

- 1) Budget review for invoices

Announcements:

Call to the Public:

Adjournment



**DRAFT
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*Approved by: _____
Larry Grunn, Chairperson

Date: _____

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
JANUARY 24, 2023 - 7:30PM**

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

APPROVAL OF AGENDA

Bruce Powelson made a motion to approve the January 24, 2023 agenda as presented. Jim Andersen seconded. **MOTION CARRIED**

APPROVAL OF MINUTES

Jim Anderson made a motion to approve the December 20, 2022 Planning Commission minutes. Bruce Powelson seconded. **MOTION CARRIED**

Cheryl Range stated that her 2022 Annual Planning Commission minutes were submitted to the Board of Trustees and the Planning Commission on January 11, 2023.

CALL TO THE PUBLIC

Numerous residents expressed their disappointment with Marion Township officials due to issues related to Solar Farms. They wish they had known about the meetings pertaining to Solar Farms. They want Marion Township to prohibit all Marion Township property owners from allowing Solar Farms on their property.

Jim Anderson explained that despite the comments being made on social media, his last name is spelled Anders~~on~~ and not to be confused with Anders~~en~~. Neither him or his family own farm land in Marion Township and they have not entered any type of contract or agreement regarding Solar Farms.

Residents requested that they receive individual postcards or invitations to all Marion Township meetings. The Commissioners explained to them, that all Township meeting dates can be found on our website www.mariontownship.com, and on our Facebook page. On the Township's website you will also find the meeting agendas and packets for all Township meetings, which are posted at least one week before the scheduled meeting date.

Bob Hanvey explained that there is currently a moratorium in place which is set to expire in March of 2023. Zack Michels (Township's Planner with Carlisle Wortman) stated that he would try and address some of the questions and concerns from the residents. He explained that in every Township/City there are publication requirements that must be followed when holding a public meeting. Marion Township has met all of these requirements. There is also a certain process that has to

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be followed when creating ordinance language and the Planning Commission followed this process when creating the language for our solar farm ordinance. Since October of 2021, the Commissioners have worked on this language during at least 12 public meetings. This topic was listed on the agenda for each of these meetings and the agenda was published on our website, prior to the meeting date. Recently the Commissioners agreed to send this language to the Livingston County Planning Department and the Township Attorney for review and comment. Once those comments were reviewed by the Commissioners, they made some minor updates and then turned it over to the Board of Trustees for their review and final decision.

Zack explained that this ordinance contains several regulations that would help protect existing and future wildlife. It also contains strict regulations regarding decommissioning, screening, minimum lot sizes, set-back requirements and more.

Bruce Powelson made a motion to extend the Marion Township Planning Commission meeting since we have reached 9:30pm. Cheryl Range seconded. **MOTION CARRIED**

Zach welcomed residents to provide the Township with their feedback in a constructive way, by citing the specific parts of the ordinance they do not like and provide us with and alternate suggestion.

➤ **UNFINISHED BUSINESS:**

TXT #04-22 CONTINUE PDR ORDINANCE DISCUSSION

Cheryl Range motioned to postpone action on this agenda item. Jim Anderson seconded. Bruce Powelson voted against this motion. **MOTION CARRIED**

REVIEW SPREADSHEET & DETERMINE WORK PLAN FOR 2023

Cheryl Range motioned to postpone action on this agenda item. Larry Grunn seconded. Bruce Powelson voted against this motion. **MOTION CARRIED**

➤ **SPECIAL ORDERS:**

BUDGET REVIEW FOR INVOICES

Cheryl Range motioned to postpone action on this agenda item. Bob Hanvey seconded. Bruce Powelson voted against this motion. **MOTION CARRIED**

➤ **ANNOUNCEMENTS:**

HANDOUT FROM BRUCE ON CRYPTO MINE

Cheryl Range motioned to postpone action on this agenda item. Jim Anderson seconded. Bruce Powelson voted against this motion. **MOTION CARRIED**

CALL TO THE PUBLIC

No comments were made.

ADJOURNMENT

Larry Grunn made a motion to adjourn the meeting at 10:05pm. Jim Anderson seconded. **MOTION CARRIED**

RZN #01-23

**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 Mitch Harris Building Co.
 Address 211 N. First Street
 City/State/Zip Brighton, MI 48116
 Phone/Fax 810-229-7838

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

Name of Owner Mitch Harris Bld Co.
 Address 211 N. First St.
 City/State/Zip Brighton, MI 48116
 Phone/Fax 810-229-7838

Property Information

Address/Location N/A
 Parcel ID # 10-02-400-014, 016, 017 & 018
 Parcel Size 90.92 Acres, 74.44 Acres to be Rezoned
 If multiple lots, are they contiguous? Yes

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

Present zoning classification HSC

Requested zoning classification UR

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.

[Signature] 1-30-23
 Signature of Applicant Date

Office Use Only		Escrow 3000
Date Received: <u>1-31-2023</u>	Fee Paid: <u>500</u>	Legal Description: _____
Materials Received: _____	Site Plans: _____	Application #: _____
Application accepted by: <u>[Signature]</u>		

LEGAL DESCRIPTION: OVERALL PARCEL:

TAX I.D. NUMBERS: 10-02-400-014, 10-02-400-016
10-02-400-017, 10-02-400-018

Commencing at the Southeast corner of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan; thence N 01°01'19" W 763.82 feet along the East line of said section 2 to the PLACE OF BEGINNING; THENCE S 88°41'02" W 1281.23 feet; thence N 00°53'25" W 457.78 feet; thence S 88°40'58" W 984.10 feet; thence N 01°22'00" W 1036.00 feet along the East line of "Peavy Road Estates No.1" (Liber 13 of Plats, Pages 24 and 25, Livingston County Records); thence the following two courses along the South line of Outlot "C" of said "Peavy Road Estates No.1": S 88°38'00" W 210.00 feet, and Southwesterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'35" and having a long chord bearing S 43°38'00" W 42.43 feet; thence N 01°22'00" W 126.00 feet along the West line of said Outlot "C", also being the East line of Peavy Road (100 foot wide Right-of-Way); thence the following two courses along the North line of said Outlot "C": Southeasterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'35" and having a long chord bearing of S 46°22'00" E 42.43 feet, and N 88°38'00" E 210.00 feet; thence N 01°22'00" W 297.70 feet along said East line of "Peavy Road Estates No. 1"; thence N 88°46'51" E 800.33 feet along the East-West 1#4 line of Section 2; thence N 01°27'29" W 807.94 feet; thence S 88°50'54" W 231.79 feet; thence N 01°30'29" W 949.94 feet; thence along the Southerly Right-of-Way of I-96 Expressway off ramp (Limited Access Highway) the following six courses: (1) S 44°03'44" E 933.22 feet, (2) Southeasterly, non-tangentially 28.20 feet along the arc of a 3199.04 foot radius curve to the right through a central angle of 00°30'18" and having a long chord bearing S 41°23'28" E 28.20 feet, (3) Southeasterly 633.32 feet along the arc of a 1070.92 foot radius compound curve to the right through a central angle of 33°53'00" and having a long chord bearing S 24°11'49" E 624.13 feet, (4) S 07°15'19" E 190.06 feet, (5) Southeasterly 386.81 feet along the arc of a 361.48 foot radius curve to the left through a central angle of 61°18'40" and having a long chord bearing S 37°54'39" E 368.62 feet and (6) S 68°33'59" E 60.47 feet; thence the following two courses along the Westerly line of Pinckney Road (D-19) (103 foot wide 1#2 Right-of-Way Limited Access Highway): Southerly 610.55 feet along the arc of a 819.20 foot radius curve to the left through a central angle of 42°42'10" and having a long chord bearing S 05°10'14" E 596.52 feet and S 26°31'19" E 271.55 feet; thence S 63°28'28" W 226.37 feet; thence S 10°44'08" W 112.36 feet; thence S 60°44'08" W 130.00 feet; thence S 17°07'52" E 88.00 feet; thence S 62°07'52" E 228.00 feet; thence S 74°15'52" E 260.00 feet; thence S 39°44'52" E 125.00 feet; thence S 89°37'52" E 38.19 feet; thence along said Westerly line of Pinckney Road (D-19) Southerly 137.45 feet along the arc of a 1042.92 foot radius curve to the right through a central angle of 07°33'04" and having a long chord bearing S 04°47'51" E 137.35 feet; thence N 88°58'41" E 103.00 feet; thence S 01°01'19" E 207.48 feet along the East line of Section 2, also being the centerline of said Pinckney Road (D-19) to the place of beginning. Being a part of the Northeast fractional 1/4 and a part of the Southeast 1/4 of Section 2, Town 2 North, Range 4 East, Marion, Livingston County, Michigan, and also Outlot "C" of "Peavy Road Estates No. 1" (Liber 13 of plats, pages 24 and 25, Livingston County Records).
Containing 90.92 acres of land, more

LEGAL DESCRIPTION: AREA OF PROPOSED REZONING TO URBAN RESIDENTIAL

Commencing at the Southeast corner of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan; thence N 01°01'19" W 763.82 feet along the East line of said section 2; thence S 88°41'02" W 838.40 feet to the PLACE OF BEGINNING; thence continuing S 88°41'02" W, 442.83 feet; thence N 00°53'25" W 457.78 feet; thence S 88°40'58" W 984.10 feet; thence N 01°22'00" W 1036.00 feet along the East line of "Peavy Road Estates No.1" (Liber 13 of Plats, Pages 24 and 25, Livingston County Records); thence the following two courses along the South line of Outlot "C" of said "Peavy Road Estates No.1": S 88°38'00" W 210.00 feet, and Southwesterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'35" and having a long chord bearing S 43°38'00" W 42.43 feet; thence N 01°22'00" W 126.00 feet along the West line of said Outlot "C", also being the East line of Peavy Road (100 foot wide Right-of-Way); thence the following two courses along the North line of said Outlot "C": Southeasterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'35" and having a long chord bearing of S 46°22'00" E 42.43 feet, and N 88°38'00" E 210.00 feet; thence N 01°22'00" W 297.70 feet along said East line of "Peavy Road Estates No. 1"; thence N 88°46'51" E 800.33 feet along the East-West 1#4 line of Section 2; thence N 01°27'29" W 807.94 feet; thence S 88°50'54" W 231.79 feet; thence N 01°30'29" W 949.94 feet; thence along the Southerly Right-of-Way of I-96 Expressway off ramp (Limited Access Highway) the following six courses: (1) S 44°03'44" E 933.22 feet, (2) Southeasterly, non-tangentially 28.20 feet along the arc of a 3199.04 foot radius curve to the right through a central angle of 00°30'18" and having a long chord bearing S 41°23'28" E 28.20 feet, (3) Southeasterly 633.32 feet along the arc of a 1070.92 foot radius compound curve to the right through a central angle of 33°53'00" and having a long chord bearing S 24°11'49" E 624.13 feet, (4) S 07°15'19" E 190.06 feet, (5) Southeasterly 386.81 feet along the arc of a 361.48 foot radius curve to the left through a central angle of 61°18'40" and having a long chord bearing S 37°54'39" E 368.62 feet and (6) S 68°33'59" E 60.47 feet; thence along the Westerly line of Pinckney Road (D-19) (103 foot wide 1#2 Right-of-Way Limited Access Highway): Southerly 156.08 feet along the arc of a 819.20 foot radius curve to the left through a central angle of 10°54'59" and having a long chord bearing S 10°43'21" W 155.84 feet; thence S 62°15'30" W 330.00 feet; thence S 01°18'58" E 1525.04 feet to the POINT OF BEGINNING. Being a part of the Northeast fractional 1/4 and a part of the Southeast 1/4 of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan, and also Outlot "C" of "Peavy Road Estates No. 1" (Liber 13 of plats, pages 24 and 25, Livingston County Records). Containing 74.44 acres of land, more

LEGAL DESCRIPTION: AREA OF PARCEL TO REMAIN ZONED HSC:

Commencing at the Southeast corner of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan; thence N 01°01'19" W 763.82 feet along the East line of said section 2 to the PLACE OF BEGINNING; thence S 88°41'02" W 838.40 feet; thence N 01°18'58" W 1525.04 feet; thence N 62°15'30" E 330.00 feet; thence the following two courses along the Westerly line of Pinckney Road (D-19) (103 foot wide 1#2 Right-of-Way Limited Access Highway): Southerly 454.47 feet along the arc of a 819.20 foot radius curve to the left through a central angle of 31°47'11" and having a long chord bearing S 10°37'44" E 448.67 feet and S 26°31'19" E 271.55 feet; thence S 63°28'28" W 226.37 feet; thence S 10°44'08" W 112.36 feet; thence S 60°44'08" W 130.00 feet; thence S 17°07'52" E 88.00 feet; thence S 62°07'52" E 228.00 feet; thence S 74°15'52" E 260.00 feet; thence S 39°44'52" E 125.00 feet; thence S 89°37'52" E 38.19 feet; thence along said Westerly line of Pinckney Road (D-19) Southerly 137.45 feet along the arc of a 1042.92 foot radius curve to the right through a central angle of 07°33'04" and having a long chord bearing S 04°47'51" E 137.35 feet; thence N 88°58'41" E 103.00 feet; thence S 01°01'19" E 207.48 feet along the East line of Section 2, also being the centerline of said Pinckney Road (D-19) to the place of beginning. Being a part of Southeast 1/4 of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan. Containing 16.48 acres of land, more or less



ACE
CIVIL ENGINEERING, LLC

January 30, 2023

Marion Township Planning Commission
2877 W. Coon Lake Road
Howell, Mi. 48843

Re: Proposed Rezoning Request for the Mitch Harris Building Co.

Dear Planning Commission Members:

The Mitch Harris Building Company is proposing rezoning 74.44 acres of land located in Section 2 of Marion Township from Highway Service (HS) to Urban Residential (UR). Reasons for the proposed rezoning request are as follows:

- #1 The property is surrounded by D-19 on the East side, Peavy Road Estates (Residential ERS) on the West Side. The Meadows Condominium (Residential UR) on the South side and I-96 and vacant SR zoned property on the North side. By rezoning the property as requested there would be a transition from lower density residential to higher density residential to commercial property. As it sits now the lower density property for Peavy Road Estates No. 1 to the West and the vacant SR zoned property to the North are immediately adjacent to the Highway Service District and provide no transition buffering.
- #2 The property is a combination of upland areas and wetland areas and has "The Marion 5" and "The Marion Genoa" County Drains running through it. Access to the site from D-19 is restricted by a limited access right of way in favor of the Michigan Department of Transportation (MDOT). Contact was made with MDOT and it was verified in the attached email dated January 10, 2023 that they will not allow a driveway connection in the limited access right of way area. As a result, there is no viable driveway access that can be achieved off of D-19. The site will need to be accessed through existing outlots provided in "The Meadows Condominium" and "Peavy Road Estates No. 1". With the access to the site being necessary through the existing residential areas, the current Highway Service zoning would cause higher undesirable traffic (including trucks) through the existing residential areas than the proposed zoning of Urban Residential. The request for rezoning would be an improvement for the negative effects of potential future traffic.


#3 With the recent Pandemic and advanced software technology that allows more and more people to work and shop from home, the need for retail box stores is dimensioning. As a result there is already a fair amount of retail type properties in the Howell, Brighton and Latson corridor area that are currently vacant. The demand for more Highway Service type properties in the area is low. By rezoning the property to Urban Residential the property would be better suited for the community's demands.

#4 Attached is a conceptual site plan for the Meadows North project that shows a rough idea of how we are envisioning the property being developed under the proposed UR zoning. The project would be an expansion of "The Meadows" project.

We look forward to discussing the information with you in detail at a future planning commission meeting.

Sincerely,

ACE CIVIL ENGINEERING, LLC



Patrick C. Keough, P.E.
President



Patrick Keough <acecivillc@gmail.com>

PROPOSE MEADOWS NORTH CONDOMINIUMS MARION TOWNSHIP

3 messages

Patrick Keough <acecivillc@gmail.com>

Tue, Jan 10, 2023 at 11:31 AM

To: "Heidelberg Craig (MDOT)" <heidelbergc@michigan.gov>

Hi Craig:

I left you a voicemail and I am also sending the attached drawings for your reference. I am not sure if this is your department so if it is not can you let me know who I should contact. I am working with the Mitch Harris Building Company on the proposed Meadows North project. There was some preliminary work done on the project approximately 20 years ago which included an access on to D-19 near the I-96 interchange. I believe MDOT may have a limited access easement in the area of the proposed intersection to the development shown on the concept drawings. Can you let us know if there is an easement in place and if it would or would not be possible to have an access as shown on the concept plan. If you have any questions please feel free to contact me at your convenience.

Thanks! Pat

ACE CIVIL ENGINEERING, LLC
Patrick C. Keough, P.E.
President

email: acecivillc@gmail.com
Office Phone: 517-545-4141
Cell Phone: 517-404-0786

2 attachments



BASE PLAN(12-19-22).pdf
269K



BASE PLAN(12-19-22)-WITH AERIAL.pdf
2253K

Heidelberg, Craig (MDOT) <HeidelbergC@michigan.gov>

Tue, Jan 10, 2023 at 2:26 PM

To: Patrick Keough <acecivillc@gmail.com>

Cc: "Goryl, Mike" <mgoryl@livingstonroads.org>, "Fournier, Laurent (MDOT)" <FournierL@michigan.gov>

Hello Patrick,

Attached is the MDOT Right Of Way (ROW) sheet. MDOT does have Limited Access ROW along in the southwest quadrant of D-19 and I-96. If the proposed driveway access is within the Limited Access ROW, we would not permit it. Hard to say for sure, but it appears the proposed driveway is within the limited access ROW. But even if it is not within the limited access ROW, MDOT would want to coordinate a Traffic Impact Study review, with the Livingston County Road Commission, on whether a driveway could be permitted.

Let me know if there are any questions

Thank you

Craig Heidelberg, P.E.

MDOT Brighton TSC

Operations Engineer

810-623-8341 C

From: Patrick Keough <acecivilllc@gmail.com>
Sent: Tuesday, January 10, 2023 11:32 AM
To: Heidelberg, Craig (MDOT) <HeidelbergC@michigan.gov>
Subject: PROPOSE MEADOWS NORTH CONDOMINIUMS MARION TOWNSHIP

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

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3 attachments



BASE PLAN(12-19-22).pdf

269K



BASE PLAN(12-19-22)-WITH AERIAL.pdf

2253K



sheet034.pdf

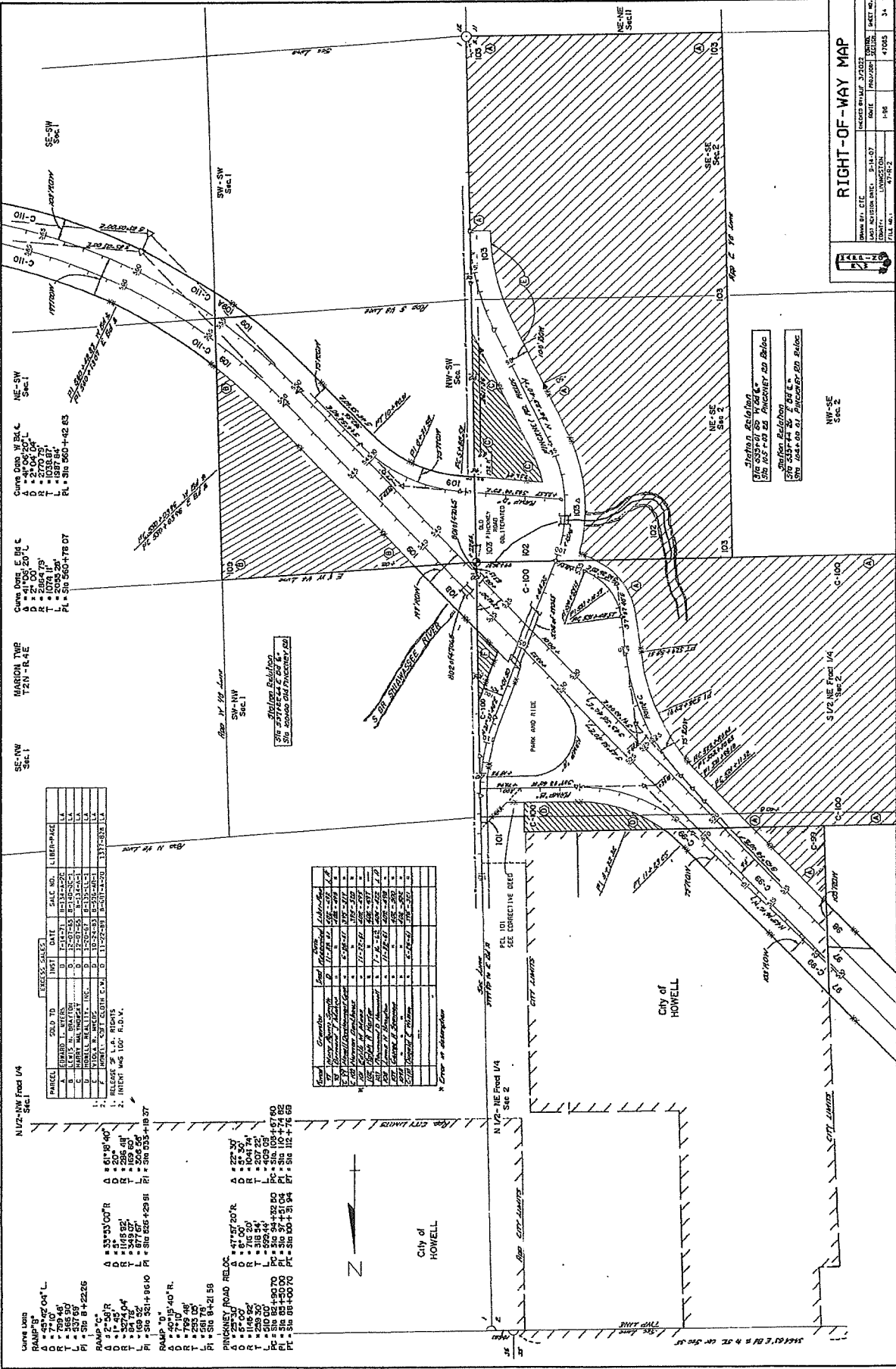
209K

Patrick Keough <acecivilllc@gmail.com>
To: Mitch Harris <mharris@mitchharris.net>

Tue, Jan 17, 2023 at 11:39 AM

Thank you for the information.
ACE CIVIL ENGINEERING,LLC
Patrick C. Keough, P.E.
President

email: acecivilllc@gmail.com
Office Phone: 517-545-4141
Cell Phone: 517-404-0786



CURVE DATA
RAMP 100
Δ = 45° 52' 04" L
R = 789.45'
T = 366.50'
PI = Sta 8+22.26

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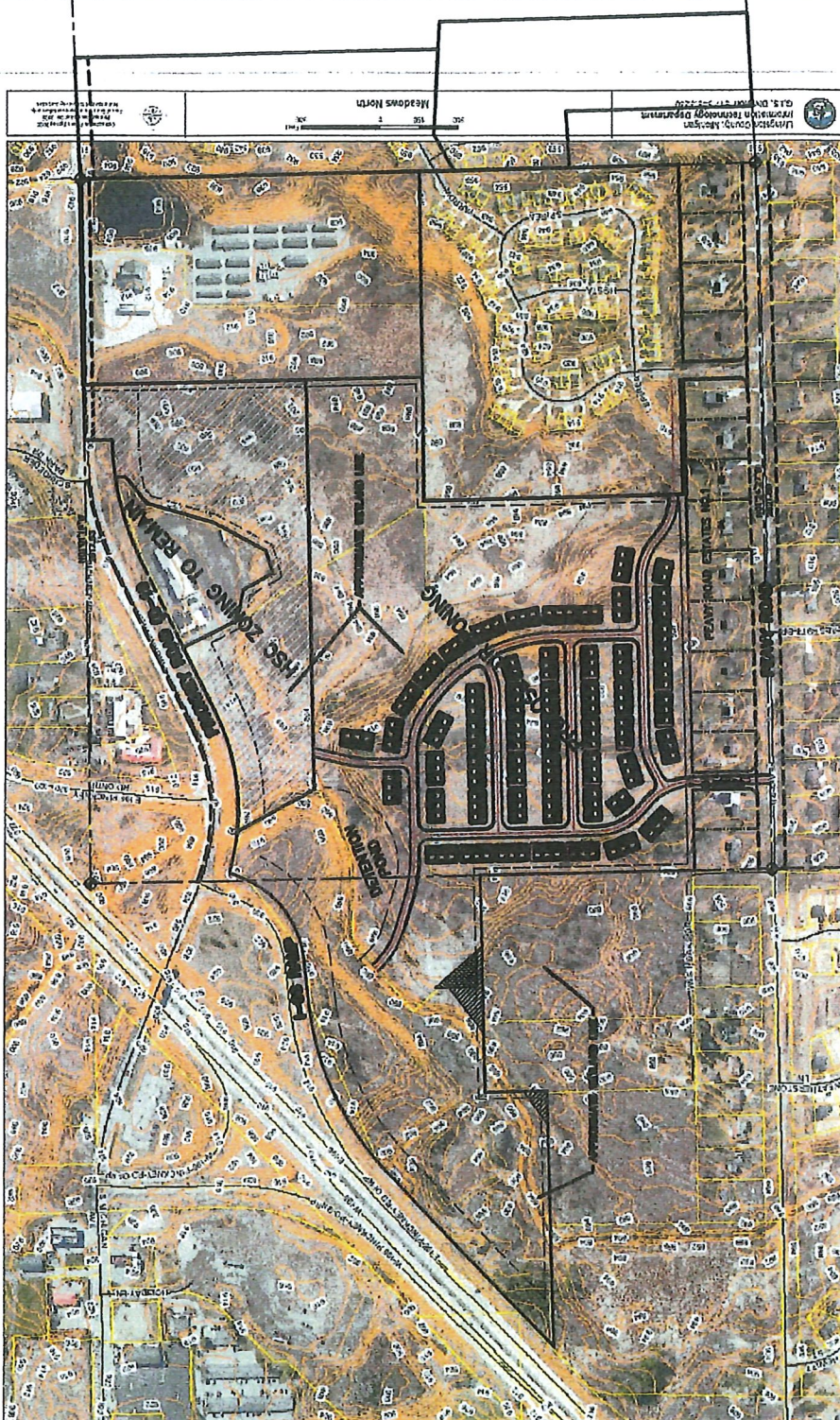
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T = 366.50'
PI = Sta 8+22.26

MARION TOWNSHIP
SECTION 2, T2N-R4E MARION TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

MEADOWS NORTH
MASON TOWNSHIP
CONCEPT SITE PLAN

DATE	12-08-22
CASE NO.	PGK
PROJECT NO.	PGK
POST NO.	22032

4

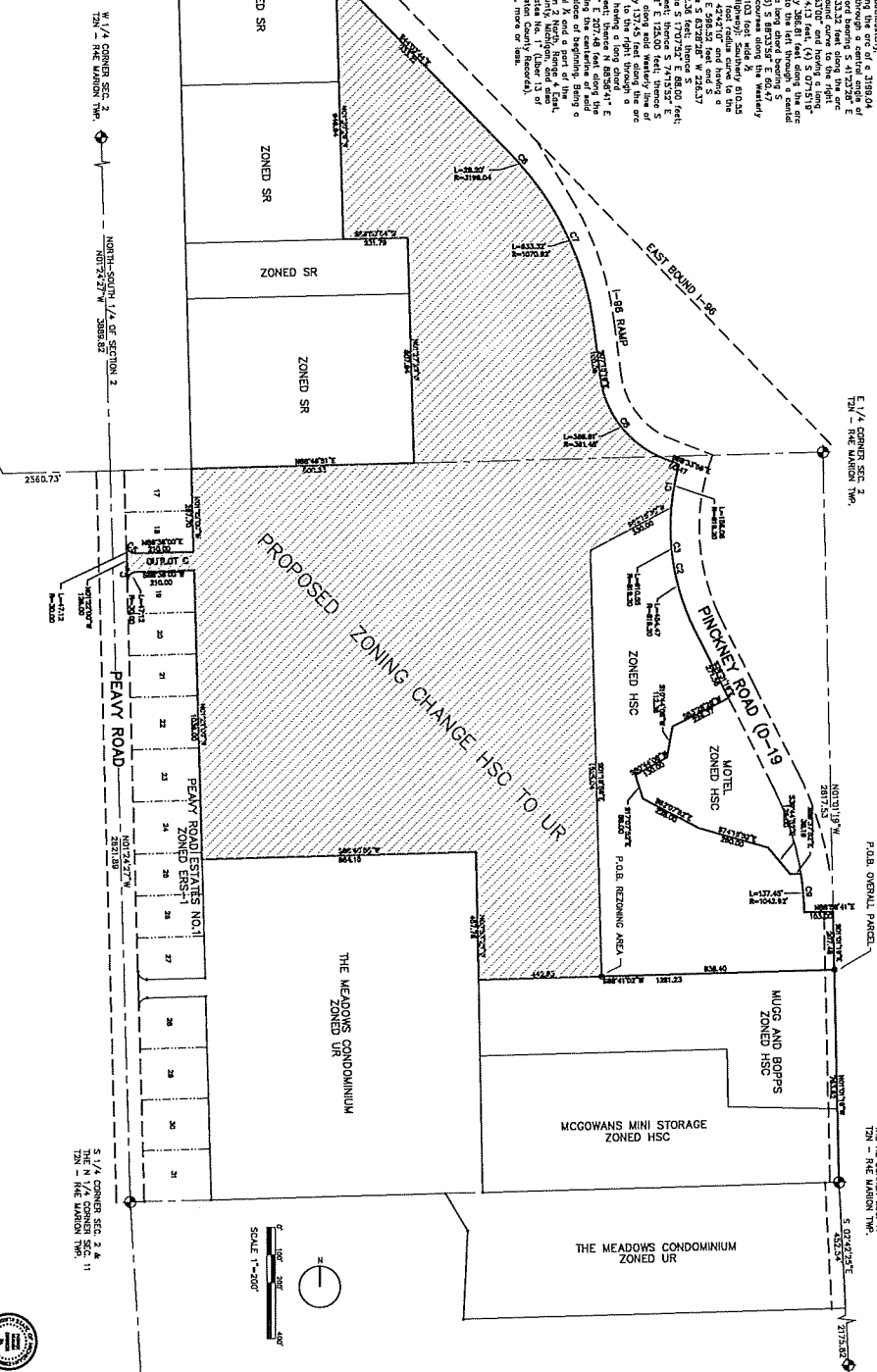
**FOAL DESCRIPTION:**[illegible]

[illegible][illegible]

MARION TOWNSHIP
SECTION 2, T2N-R4E MARION TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

SITE DATA TABLE:

OVERALL PROPERTY AREA =	90.02 ACRES
EXISTING ZONING =	HIGHWAY SERVICE COMMERCIAL
PROPOSED ZONING =	74.44 ACRES TO URBAN RESIDENTIAL
	10.48 ACRES TO RURAL HSC





Carlisle | Wortman
ASSOCIATES, INC.

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

February 14, 2023

Zoning Map Amendment (Rezoning) Review for Marion Township, Michigan

PETITION INTRODUCTION

Case Number: RZN 01-23
Applicant: Mitch Harris for Mitch Harris Building Company
Request: Zoning Map Amendment
Location: West side of Pinckney/D-19, south of I-96
Parcel Number: 10-02-400-014/016/017/018

PETITION DESCRIPTION

The applicant is requesting a zoning map amendment (*also known as rezoning*) for all or portions of 4 properties from the HS Highway Service and SR Suburban Residential districts to the UR Urban district.

The zoning map amendment is in anticipation of development of the site for residential uses.

This application has not been submitted as a conditional zoning map amendment.

The proposed UR Urban Residential district would significantly increase the number of potential residential uses and significantly reduce the number of potential commercial or personal service uses.

The minimum lot area, minimum frontage, and minimum setbacks (*excluding setback from Pinckney right-of-way*) would be significantly reduced. The maximum lot coverage would be slightly reduced. There would be no change to maximum building height.

For zoning map amendments, the Planning Commission makes a recommendation that is forwarded to the Livingston County Planning Commission for review and comment and to Township Board for final action.

This review focuses on planning and zoning issues related to the requested zoning map amendment. Comments related engineering, transportation, or legal issues are deferred to other agencies and entities.

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

PROPERTY INFORMATION

Address: n/a

Location: West side of Pinckney/D-19, south of I-96

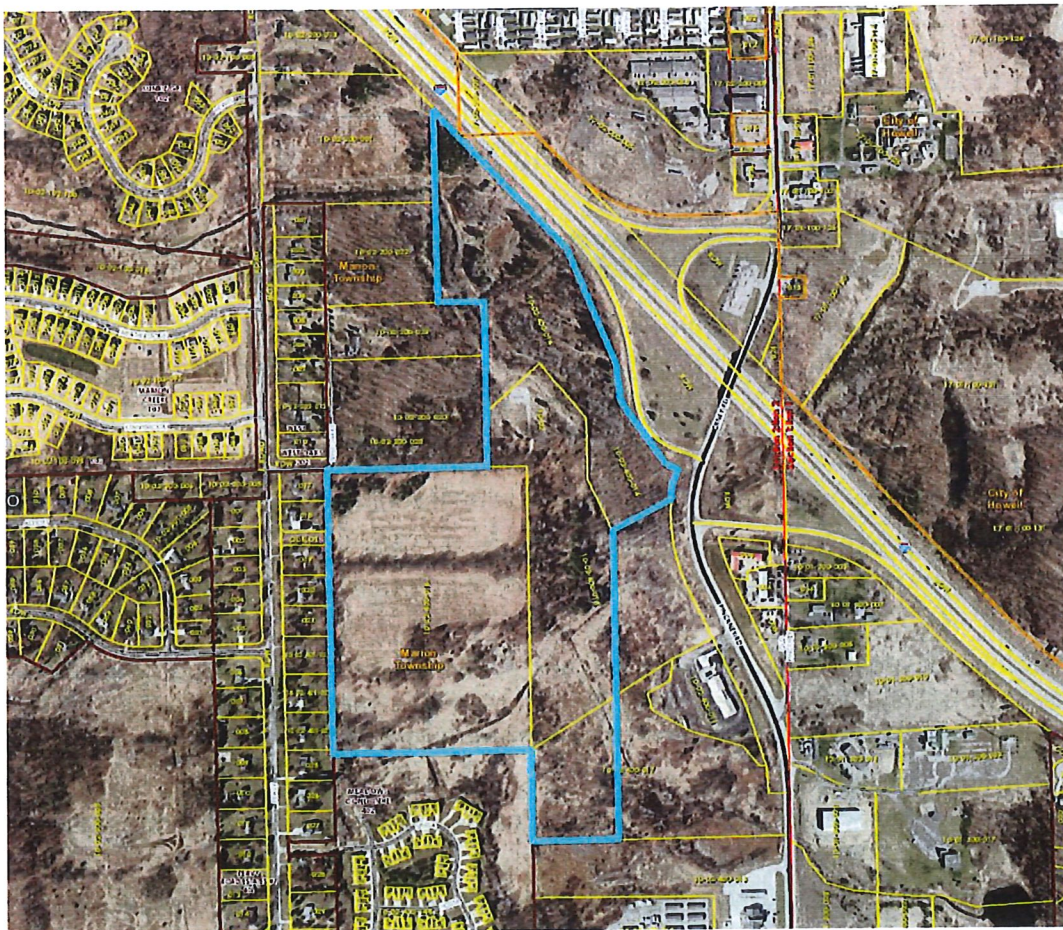
Parcel Number: 10-02-400-014/016/017/018

Lot Area: 90.92 acres (*total properties*)
74.44 acres (*area to be rezoned*)

Frontage: 1,075 feet (*total properties along Pinckney/D-19*)
1,075 feet (*area to be rezoned along Pinckney/D-19*)
Access points on the west side from Peavy and Spirea

Existing Land Use: Vacant/undeveloped
Natural gas gate station

Aerial of the Site



ZONING DISTRICT INTENT

§8.02(A)/§8.03(A)/9.01(A)

Summaries of the intent and purpose of the current and proposed zoning districts are below.

<p>Current Zoning</p>	<p>HS Highway Service</p> <p><i>The Highway Service District (HS) is intended to accommodate retail business and service activities which serve the particular needs of the highway traveler and/or meet the consumer needs of a more regional population than that of Marion Township, and, therefore, the access to arterial thoroughfares is critical. The intent of this District is to provide for retail businesses, personal, and business service establishments and small warehouses developed along major arterial roads in a fashion that minimizes traffic congestion, traffic conflicts, and traffic hazards. It is not the intent of this District to provide for general retail and related commercial uses that cater more to local consumer needs; such needs are extensively addressed by the commercial services available in nearby City of Howell.</i></p> <p>SR Suburban Residential</p> <p><i>It is the intent of the Suburban Residential District (SR) to provide opportunities for higher density residential development typically associated with a suburban land use pattern. This district includes areas of the Township, which are currently served by a higher level of public services as compared to most of the balance of the Township, and these additional services permit a higher intensity of residential development while protecting the public health, safety, and welfare. This District is intended to implement the planned future land use pattern of the Marion Township Master Plan in the northern portion of the Township where a Suburban Residential Area is proposed and intended to accommodate residential developments of a density of one (1) dwelling unit per .75 acre or greater. The Suburban Residential District is intended to both permit the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods. The Suburban Residential District includes existing crop operations 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 without having a negative impact on neighboring residential uses</i></p>
<p>Proposed Zoning</p>	<p>UR Urban Residential</p> <p><i>It is the intent of the Urban Residential District (UR) to provide for housing densities of a more urban character than otherwise permitted in other Zoning districts established in this Ordinance. Permitted land uses within this District are established based on the greater availability of public services (public water and sewer facilities) within this District which are capable of accommodating the particular demands of higher density residential land uses. It is the intent of this District to stabilize, protect, and encourage the residential character of the District and prohibit activities not compatible with high-density single-family and multiple-family residences. The Urban Residential District is 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. This District is not intended to be established within any portion of the Urban Services District where existing public services are not adequate to address the demands of these more intensive land uses unless the necessary services are also established concurrent with the establishment of the land use.</i></p>

POTENTIAL USES

§8.03(B//D)/§9.01(B//D)

If the zoning map amendment is approved, the property could be used for any of the potential permitted uses, special uses, or accessory uses in the UR Urban Residential district.

A summary of those uses, taken from §8.03(B) Uses Permitted by Right, §8.03(C) Permitted Accessory Uses, and §8.03(D) Uses Permitted by Special Use Permit, is below. A summary of the potential permitted uses, special land uses, and accessory uses in the current HS Highway Service district, taken from §9.01(B) Uses Permitted by Right, §9.01(C) Accessory Uses, and §9.01(D) Uses Permitted by Special Use Permit, is also included. See the Zoning Ordinance for the complete list of uses.

New uses in the proposed zoning district that are not listed in the current zoning district are noted in green. Uses in the current zoning district that are not included in the proposed zoning district are noted with red.

Permitted Uses	Current HS	Proposed UR
<i>Adult foster care home</i>	-	P
<i>Family child care home</i>	-	P
<i>Single-family dwelling</i>	-	P
<i>Two-family dwelling</i>	-	P

Special Uses	Current HS	Proposed UR
<i>Adult foster care small group home</i>	-	S
<i>Adult foster care large group home</i>	-	S
<i>Bed and breakfast</i>	-	S
<i>Child care center</i>	-	S
<i>Communication tower</i>	S	S
<i>Golf course and country club</i>	-	S
<i>Group child care home</i>	-	S
<i>Hobby kennel</i>	-	S
<i>Hospital</i>	-	S
<i>Multiple-family dwelling</i>	-	S
<i>Nursing or convalescent home</i>	-	S
<i>Place of worship</i>	-	S
<i>Private recreational facility</i>	-	S
<i>Public facility</i>	S	S
<i>School</i>	-	S

Accessory Uses	Current	Proposed
	HS	UR
Accessory building or structure	A	A
Automobile parking	A	A
Home occupation, Class I	-	A

Prohibited Uses (uses listed in the HS district but not in the UR district)	Current	Proposed
	HS	UR
Adult entertainment	S	-
Automobile car wash	P	-
Automobile dealership	P	-
Automobile fueling/mixed-use station	S	-
Automobile repair	S	-
Billboard	S	-
Cabinet making	P	-
Catering or bakery	P	-
Convenience store	P	-
Contractor storage yard	P	-
Crematories	P	-
Drive-in establishment	S	-
Funeral home	P	-
Hardware store	P	-
Household equipment sales	P	-
Mini-storage facility	P	-
Monument sales or manufacturing	P	-
Motel or hotel	S	-
Office (professional or medical)	P	-
Open air business	S	-
Recreation facility, indoor		-
Recreation facility, outdoor	S	-
Restaurant, club, or other drinking establishment	P	-
Sign	A	-
Wholesale distribution	P	-

SR Suburban Residential uses are omitted from above, as they are substantially similar to uses in the UR Urban Residential district.

DEVELOPMENTAL STANDARDS

§§8.02(E)/8.03(E)/§9.01(E)

A summary of the developmental standards for the current and proposed zoning districts is below.

The minimum lot area, frontage, front setback, side setback, and rear setback would be significantly smaller. Maximum lot coverage would be slightly smaller. Maximum building height and minimum front setback from Pinckney would remain the same.

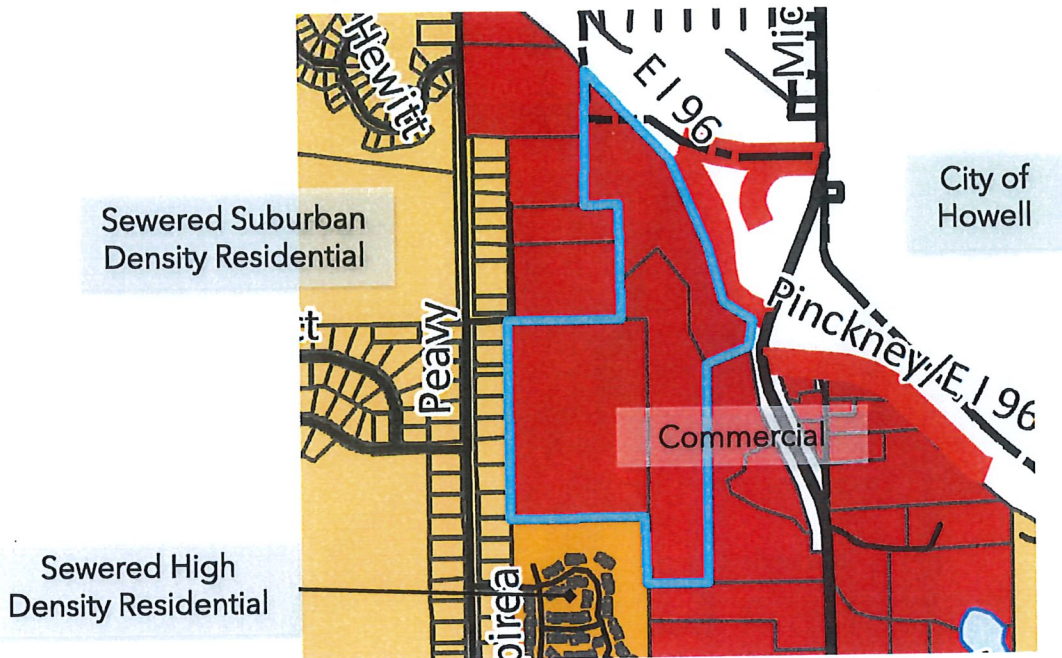
	Current HS	Current SR	Proposed UR
Lot Area	1 acre	32,760 square feet/ 20,000 square feet	15,000 square feet
Frontage	150 feet	85 feet to 120 feet	75 feet
Lot Coverage	40 percent	35 percent	35 percent
Front Setback	80 feet 100 feet (<i>Pinckney</i>)	35 feet to 70 feet 100 feet (<i>Pinckney</i>)	30 feet 100 feet (<i>Pinckney</i>)
Side Setback	25 feet 35 feet (<i>residential</i>)	15 feet	15 feet
Rear Setback	40 feet	25 feet	25 feet
Building Height	35 feet	35 feet	35 feet

FUTURE LAND USE MAP

The site is within the Commercial area.

Future Land Use	<p>Commercial</p> <p><i>The intent of the Commercial future land use category is to concentrate future commercial uses within the Township Proposed Water/Sewer Boundary and around the highway interchange for ease of transportation access to and from establishments and to serve a regional customer base. Locating future Commercial development adjacent to the interchange and D-19, the major arterial in Marion Township, will minimize traffic congestion, traffic conflict and traffic hazards and will keep nonresidential uses contiguous to the commercial services of the City of Howell. Traffic generated by commercial uses will also benefit from a future paved roadway that will connect D-19 to Peavy Road just south of the interchange. The Commercial future land use designation encompasses 238 acres of land. The bulk of this land area surrounds the I-96 interchange extending south to Francis Road and west to Peavy Road. It includes land area on both sides of D-19. Another small node of commercial is noted near the southern boundary of the Township, at the northwest corner of the Schafer Road and D-19 intersection where existing commercial is present. Lastly, small commercially-designated Township parcels are scattered amongst City of Howell properties along Mason Road and Michigan Avenue. Developmental Densities within the Commercial future land use designation should not exceed one building or structure per one acre.</i></p> <p>Corresponding Zoning District: HS Highway Service</p>
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Future Land Use Map



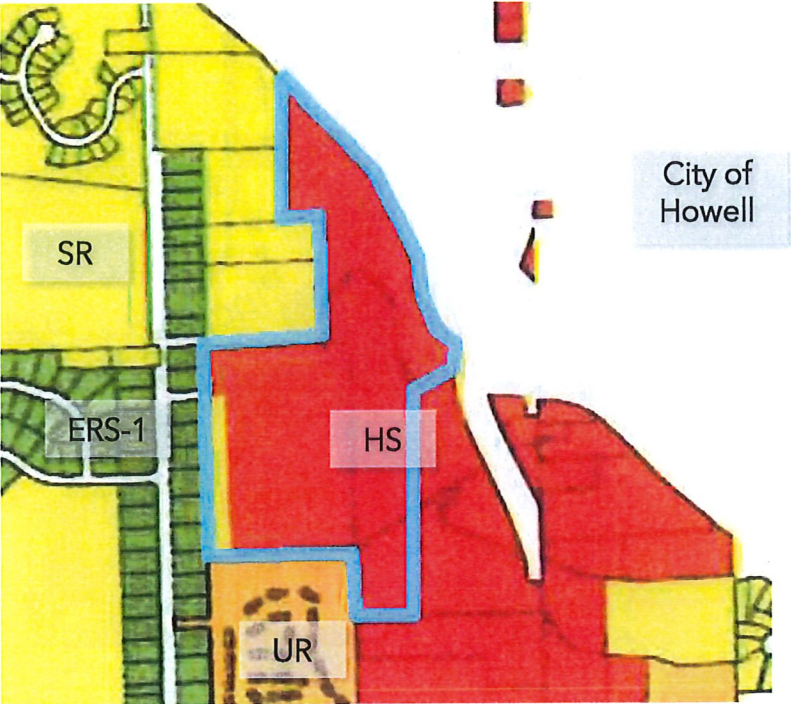
SURROUNDING PROPERTIES

The surrounding properties to the south, to the east, and to the north along Pinckney/D-19 across I-96 and to the east across Pinckney/D-19 are general commercial uses. The surrounding properties to the west and to the south are a mix of single-family dwellings and multiple-family dwellings.

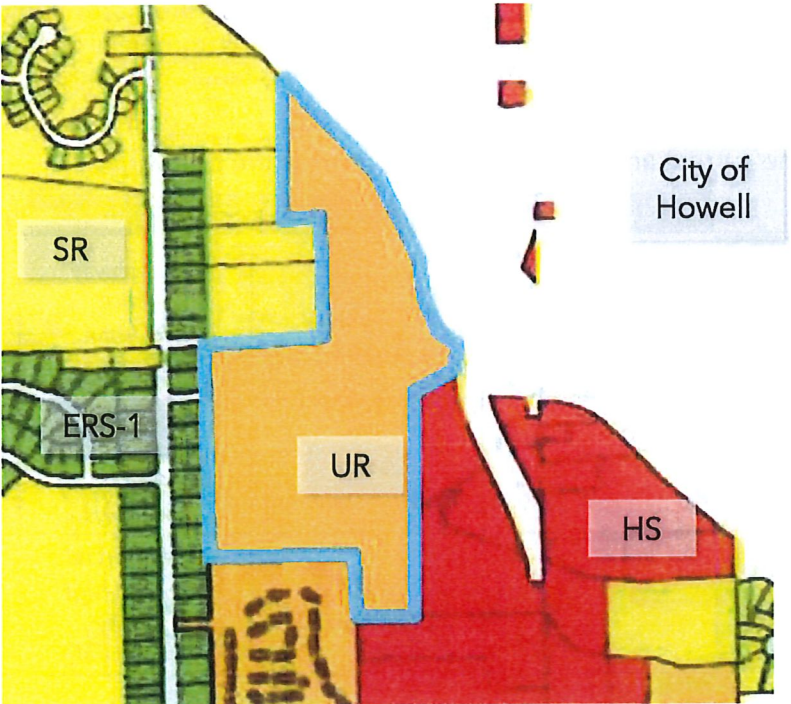
Maps showing the current and proposed zoning districts are below.

	North	East	South	West
Surrounding Zoning	SR Suburban Residential I-96	I-96 HS Highway Service	HS Highway Service UR Urban Residential	SR Suburban Residential ERS-1 Established Residential Subdivision-1
Surrounding Land Uses	Single-family dwellings I-96	I-96 Vacant Hotel/Restaurant	Gas station/ convenience store Multiple-family dwellings	Single-family dwellings
Future Land-Use Map	Commercial I-96	I-96 Commercial	Commercial Sewered high density residential	Commercial Sewered suburban density residential

Current Zoning Map



Proposed Zoning Map



DECISION CRITERIA

§20.05(2)

The zoning map amendment process is briefly described in MCL 125.3202, which outlines the notice process and provides the authority for local governments to define the manner for changing district boundaries by ordinance.

The processes and criteria for changing the zoning text or zoning map are outlined in Article XX Amendments of Zoning Ordinance. The Planning Commission holds a public hearing and makes a recommendation. This recommendation is forwarded to the Livingston County Planning Commission for review and comment and to the Township Board for action.

The guidelines for zoning map amendments, from §20.05(2)), are examined below. Additional information may be shared or discovered at the public hearing.

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

Comments: *We are unaware of any specific conditions that have changed relative to the site.*

The development of more-intensive residential projects in the area has demonstrated a desire for that type of use and product.

Recent changes in consumer trends, especially following Covid-19, have reduced the demand for commercial space in general.

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?

Comments: *The impact of the development of the site using the requested UR Urban Residential district rather than the current HS Highway Service district is likely to have a negligible impact on some services and facilities, such as roads, water, and sanitary sewer.*

Residential uses generally tend to require more police and fire services per acre than commercial uses. Additional comments on specific police and fire service capacity or impact deferred to those agencies.

Development of the site using the requested UR Urban Residential district would likely place greater demand on the schools. However, additional students also mean additional financial support for public schools. Additional comments on school capacity deferred to the schools.

On a per acre basis, commercial uses tend to provide more revenues than residential uses. The site represents a significant portion of the area designated Commercial in the Future Land Use Map. Additional comments on Township finances are deferred to Township officials.

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

Comments: *The requested UR Urban Residential district does not appear likely to create a more adverse impact on the environmental conditions or value of surrounding properties than the current HS Highway Service district. It would significantly reduce the number of potential commercial uses, which generally create a greater impact on the environment and value than residential uses. The requested UR Urban Residential district would likely create a greater impact on the environment and value of surrounding properties than other less-intense residential districts.*

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

Comment: *The requested UR Urban Residential district would represent a deviation from the Future Land Use Map in the Township's Master Plan, which calls for the site to be within the HS Highway Service district, based on its location along I-96 and proximity to the interchange. The site represents a majority of the area in the Future Land Use map designated for Commercial in the Township.*

The Master Plan, in general, envisions more intensive uses and districts, such as the UR Urban Residential district, being located closer to the City of Howell.

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

Comment: *Because of its proximity to Howell and the I-96 interchange, it should be possible to reasonable use the property in the HS Highway Service district.*

We have not conducted or received a commercial market analysis at this time.

SUMMARY AND COMMENTS

The requested zoning map amendment deviates from the Future Land Use Map, which includes this site within the Commercial area, corresponding with the HS Highway Service district. It is generally consistent with the Master Plan's vision of locating more-intensive uses closer to the City of Howell.

There would be an increase in the potential number of residential uses and a decrease in the potential number of general commercial and personal service.

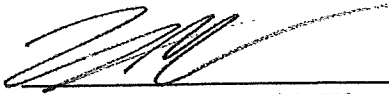
The minimum lot area, minimum frontage, and minimum setbacks (*excluding setback from Pinckney right-of-way*) would be significantly reduced. The maximum lot coverage would be slightly reduced. There would be no change to maximum building height.

Because this has not been submitted as a conditional zoning map amendment, the Township cannot place any conditions on approval. The site could be developed in a manner consistent with the plans submitted by the applicant or in a different manner.

Mitch Harris Building Company
Zoning Map Amendment Review
February 14, 2023

If the zoning map amendment is adopted, any future development of the site should be conditioned (*at that time*) on the property boundaries being changed to be consistent with the zoning district boundaries.

The Planning Commission's recommendation is forwarded to the Livingston County Planning Commission for review and comment and to the Township Board for action.



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner

REZONING CASES

CASE #	TAX ID	REQUESTED		DATE OF	DATE OF
Z-30-98	4710-04-200-016	SR to UR	30 acres	6/30/1998	8-13-98 denied
R-1-98	Grissim	Maple Farms			
Z-24-98	4710-02-400-001	SR & Highway Service to Urban Res	89.33	2/9/1998	5/14/98
R-3-97	4710-11-200-004	Best Western			
	4710-11-200-013				
	H. Scheuner				
Z-40-98	4710-03-200-028	Suburban to Urban Residential	30.7 acres	4/22/1997	6/1/98
R-2-97	Gillette	Crystal Wood			
Z-94-98	4710-11-200-002	Suburban to Urban Residential	80 + acres	11/17/1998	1/14/99
R-3-98	Phil McCaffery	HomeTown Village of Marion			
Z-07-99	4710-01-200-006	Light Industrial to Highway Service	4.5 acres	12/22/1998	2/1/99
R-04-98	Fraternal Order of Eagles	Lucy Road Site			
Z-56-99	4710-01-300-018	Suburban Residential to Urban Res.	5.15 acres	7/27/1999	9/9/99
R-5-98	Mullaney	Jana's Someplace Special			
RZN# 01-02	4710-02-400-016	Urban Residential to Highway Service	24.31 acres	8/27/2002	1/9/2002
Z-74-02	Mitch Harris				
RZN# 1-03	4710-01-200-001	Mobile Home Park to Light	32		DROPPED
Z-73-03	4710-01-200-002	Industrial			
RZN# 2-03	4710-01-200-018	Mobile Home Park to Urban	59		DROPPED SEE RZN# 7-03
Z-72-03					
RZN# 3-03	4710-01-300-030	Suburban Residential to	26	9/23/2003	1-8-04 denied
Z-98-03	4710-01-300-031	Urban Residential			
	4710-01-300-032				

CALL TO THE PUBLIC POLICY-ADOPTED ON 08/25/2022

Marion Township Public Participation at Township Board Meetings Policy

The Public shall be given an opportunity to be heard at every Township Board Meeting following this Policy adopted by the Township Board.

The Township Supervisor is the moderator of the meeting. In the absence of the Supervisor, the Township Clerk shall hold an election of the Board Members present to select a moderator for the meeting.

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

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

All comments shall be addressed to the Township Board. The "Call to the Public" is for attendees to provide information or opinions to the Township Board and is not intended to be a dialog. Anyone needing a response should contact officials or staff during working hours.

To preserve efficiency, speakers will be asked to keep their comments to five minutes or less.

On some occasions, attendees may be asked for comments during agenda items.

THE UNRELENTING ROAR

This is a potentially serious problem. I would prefer to have crypto banks prohibited in Marion Townships.

Would like this subject on the agenda for our January Planning Commission meeting.

Bruce

TORE THIS TOWN

By Wudan Yan • Photography by Juan Diego Reyes

Cryptocurrency
aims to revolutionize
finance, but its
mines are destroying
communities
across America.

OF A CRYPTO MINE

APART



It was nearly midnight in late April when Lynell Morris's husband, Michael, returned home after a shift at work.

As he fumbled his keys, the motion-sensing light on their front doorstep flicked on. His eye caught a glint of gold: a .22 bullet on his doormat. It seemed odd as he and Lynell own a different-caliber firearm. Nevertheless, he brought it inside and set it on their kitchen table.

A few days later, he remembered to ask Lynell about it. Immediately, she yelped, "Politics!"

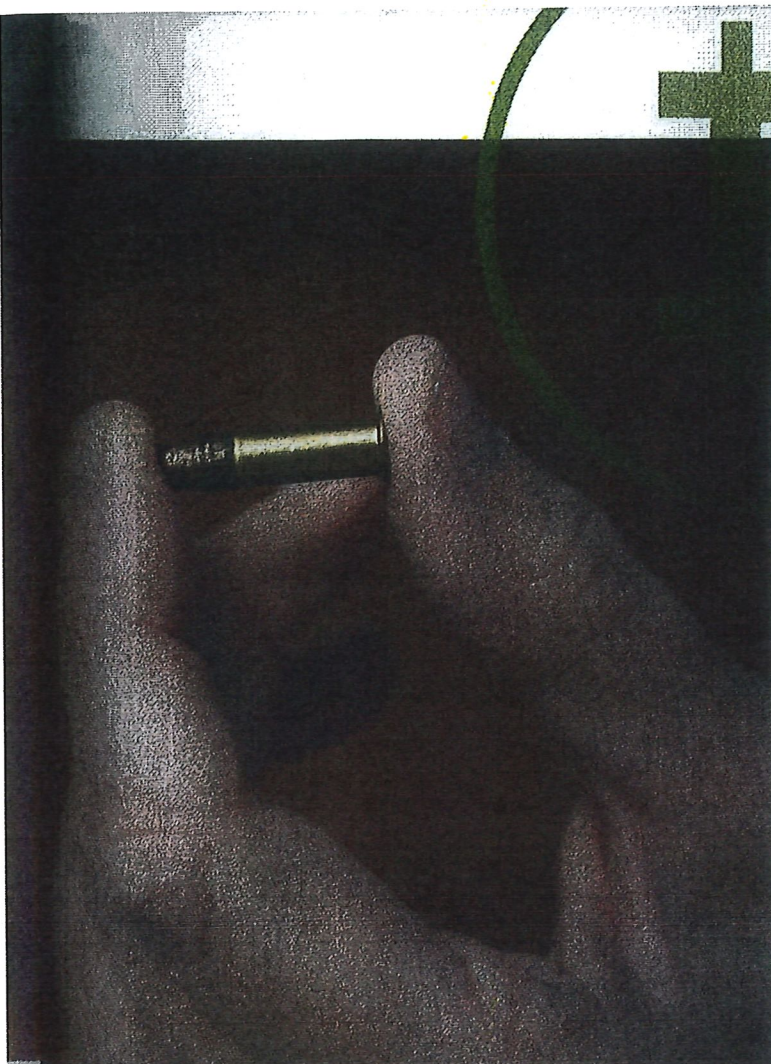
Neither Lynell nor Michael is running for office. But over the last few months, Lynell had become enmeshed in local politics after a cryptocurrency mine set up shop in their town of Murphy, North Carolina, in September 2021. "Mine" is a misnomer, as these facilities are clusters of computing units, solving complex problems to help transact and generate virtual currency, with large—and noisy—fans to cool them.

Sitting in the foothills of the Appalachian and Blue Ridge Mountains, Murphy is a lush oasis promising an uninterrupted soundtrack of nature, and attracting those who value that quiet. Within weeks of when the mine began running, angry residents started complaining about the incessant noise on Facebook and Nextdoor. They likened this new, pervasive sound to a highway, a jet engine on the runway, or a semi idling in their driveway, and said it was disrupting their sleep and eroding their sense of peace.

The Morrisses are lucky. They only hear the mine from their home

when there's no other noise outside. But Lynell was frustrated by her neighbors' stories and began speaking out on their behalf at bimonthly county commissioner meetings. "I take up for the underdogs," she says. Lynell has always been a leader. Before moving to Murphy three years ago with the intent to retire there, she ran a small business with her husband. And, as she puts it: "I was blessed with a mouth."

Lynell ran her mouth on April 18, at the Cherokee County (Murphy is the county seat) board of commissioners meeting. More than six months had passed since the mine began causing a disturbance, and she was fed up with the lack of transparency from her elected officials, who had yet to act upon the concerns of their citizens. Residents have three minutes to make a statement during the public comment period at these meetings. Lynell took the podium and spoke for more than 20 minutes, pressing the commissioners on why they're backing the mine and what they're planning to do to mitigate the noise.



PREVIOUS SPREAD: The south-facing view from Harshaw Road. The cryptocurrency mine is a few hundred yards to the north. **LEFT/ABOVE:** Murphy resident Lynell Morris and the bullet found on her front step.

After the bullet appeared on her doorstep, she wondered if she had said too much. "I'm a Southern girl. I don't scare easily," she says. "It was a threat, nevertheless."

► THE SOUND OF CRYPTOCURRENCY

Follow Highway 64—or as the residents call it, the four-lane—east from town for about three miles. Turn right on Harshaw Place and left on Harshaw Road at the stop sign. Drive parallel to the highway for about half a mile, and you'll see it on your left: large white boxes housing blue containers in a cornfield, partially surrounded by a gray wall. It looks out of place in western North Carolina, something so modern.

As you approach the mine, which is owned by the San Francisco-based firm PrimeBlock, you begin to hear the roar. During the day, its low-frequency hum—which, directly outside, may go up to 95 decibels—can make it seem like you're next to a running motorcycle.

From the mine, roads weave like a spider's web. Harshaw Road continues east. Back at the stop sign, Mulkey Place goes straight. The two are bisected by Club House Road, which then turns into Poor House Mountain Trail. All the streets wind with hairpin turns up into the lush hills, splitting into side streets. Many houses off Harshaw, Mulkey, and Poor House Mountain surround what used to be the

18-hole Cherokee Hills Golf and Country Club, which closed at the end of 2016.

Sound travels in waves and tends to travel farthest in open landscapes. And low-frequency sounds, like the rumble from the crypto mine, travel farther than high-frequency sounds (think: a scream, or nails on a chalkboard) because the longer waves of a low-frequency noise cover more ground before losing energy. In Murphy, residents who can hear the indelible hum most prominently live near an unobstructed path from it. During winter, the noise gets worse without leaves on trees to help absorb the sound. But year-round, residents living up to a mile away from the mine can hear it.

In December, Lynell and fellow resident Cyndie Roberson started a private Facebook group for people to share their experiences and grievances. In a town of about 1,855 people, up to 800 families live within a mile of the mine.

Many residents have installed apps on their phone to track the sound levels. It's so loud that Gene Johnson, whose ears were damaged during his stint in the military and who now wears hearing aids, can still hear the low rumble when the aids come out. He lives on Beaver Ridge Trail, which breaks off Harshaw immediately after you pass the mine. It's so loud that Mike and Jennifer Lugiewicz, who lived two houses down from the mine, could watch but not hear their neighbor mow their lawn. (They have since moved to be farther from the mine.) The din can hide the sound of cars, so now Shannon Coleman helps her mom, who lives a half mile past the mine on Harshaw, retrieve the mail from her box across the street on a blind turn. Her mother, who is legally blind, can't discern the sound of an oncoming car from the sound of the mine, and fears getting hit.

The noise, residents say, is especially terrible at night and early in the morning, when it wakes them up. Some say it's caused them to become depressed and anxious. They've been showing up, as Lynell has, to county commissioners meetings bedraggled, frustrated, and angry that their elected officials have done very little to protect their health.

Patricia Callahan lives in the townhouses on Club House Road. Her unit is the closest to the mine, about a quarter mile away as the crow flies.

Callahan moved to Murphy three years ago, after completing a work-study program at the John Campbell Folk School, an artisan school for adults just outside Murphy, in Brasstown. Her youngest had just left for college, and Callahan was looking for a spot where she could retire. She was taken by Murphy's art scene, but more importantly, the tranquility, and decided to buy in Murphy. After her real estate agent showed her the townhouse, Callahan sat outside at its picnic table and thought, "I have found my peace and quiet."

Those qualities were crucial for Callahan. A car

accident 15 years ago left her with a brain injury, post-traumatic stress disorder, and depression. "I arranged my life to keep my stress low," she said. "My whole body will go into a hypervigilant fight-or-flight mode when I'm around too much noise."

When the mine came online last fall, Callahan's way of life was upended. She used to open the windows at night to cool her bedroom (she prefers not to use air conditioning because she lives on a strict budget), but she must close her windows now to lower the noise. Even that, along with wearing noise-canceling headphones, is not enough. The only time she's been able to get a good night's sleep is when she's in a hotel or camping.

The noise is a constant, Callahan says. "It's more than just my hearing. It affects my whole body, triggering PTSD symptoms," she says. Many older residents with underlying health issues who have retired in Murphy express a similar sentiment: The noise and sleep interruptions caused by the mine are making their conditions worse.

Callahan says she can't sell her house to move somewhere quieter. "Nothing is within my budget," she says. "I'm trapped here."

► MINING NEW MONEY

Cryptocurrency is a digital form of currency that can be used like cash or a credit card. Unlike the U.S. dollar, there is no central authority that prints more coins, or maintains the value of a cryptocurrency. This lack of oversight and regulation is appealing to many who wish to grow their wealth without traditional banking institutions.

Bitcoin became the first viable cryptocurrency in 2009, and over the last 13 years, demand for cryptocurrencies has only skyrocketed. Now, there are more than 10,000 cryptocurrencies valued around \$1 trillion in total, and a 2021 Pew Research study found that one in six Americans use them. "There is a general movement of making finance more for the people," Matteo Benneton, PhD, an assistant professor of finance at University of California, Berkeley, says of cryptocurrency's appeal.

Cryptocurrency mining is computers solving complex algorithms to record crypto transactions that prevent people from spending their currency more than once. After a certain amount of work, a mine is paid in newly created cryptocurrency. This computing relies on an astronomical amount of power. The Murphy mine, according to Scott Wade, the head of operations at Exponential Digital, the company that operates the mine and was acquired by PrimeBlock last January, uses anywhere from 5 to 15 megawatts annually, enough to power up to 13,500 homes. (A gaming laptop, by comparison, would use 0.02 megawatts running year-round.)

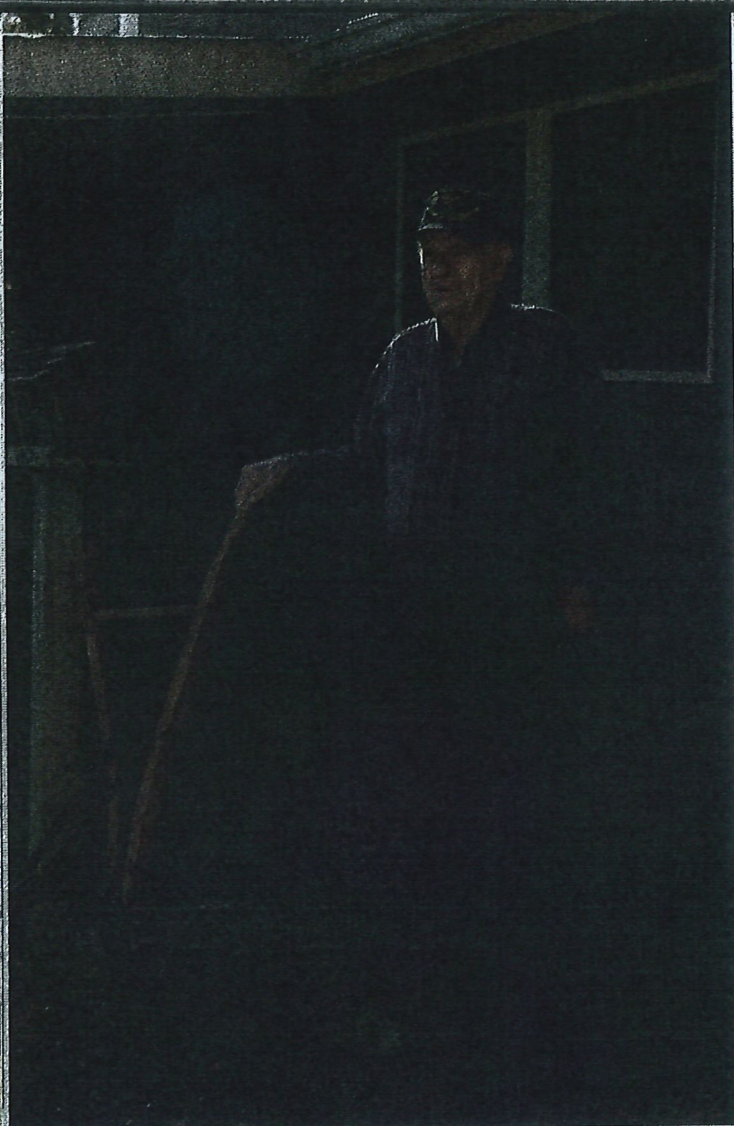
Up until 2021, most of the world's crypto mines

The PrimeBlock cryptocurrency mine on October 14, 2022. A section of the partial enclosure can be seen in the background.





"For me, it's more than just my hearing. It affects my whole body," says Patricia Callahan.



THIS PAGE: Murphy resident Gene Johnson says he can still hear the mine with his hearing aids out. **OPPOSITE:** Downtown Murphy, North Carolina.

were housed in China. But when the country banned the use and mining of cryptocurrency that fall—largely because of the Chinese government's fear that cryptocurrencies are a gateway to financial crime and have a negative impact on the environment—miners flocked to the U.S. According to the Bitcoin Mining Map developed by the University of Cambridge in the U.K., the U.S. now makes up the majority of the total global hashrate, or the computational power processing cryptocurrency transactions.

In the U.S., crypto companies generally set up shop in places like the Finger Lakes region in upstate New York, eastern Washington, South Dakota, and towns like Murphy along the Tennessee Valley. They all offer cheap electricity, and often, mines can be built in repurposed factories.

Not only is noise pollution an issue, but the annual electricity use worldwide from exclusively mining Bitcoin—just one type of cryptocurrency—is extensive. Some studies estimate it can even exceed that of entire countries. This overall higher community electricity use raises the cost for residents.

▶ THE PAIN OF NOISE POLLUTION

Because cryptocurrency is relatively new, there are few peer-re-

viewed studies that specifically link it to how its mines affect human health and the environment. Twenty-two state legislators have written to the EPA to monitor the environmental impact of mining cryptocurrency. But noise is the primary complaint in Murphy, and plenty is known about how loud, persistent, low-frequency sounds can lead to a host of problems.

In the 1970s, the U.S. Environmental Protection Agency's Office of Noise Abatement and Control recognized noise as a pollutant and began taking steps to limit community exposure. Through the now-defunct office, researchers determined that, to ensure their health and welfare, residents shouldn't be exposed to more than an average of 55 decibels over the course of a day. Anything higher, in terms of sound level or length of exposure, could increase an individual's chances of hearing loss.

Even though the world around us has gotten noisier since then—particularly in cities and largely due to industrial noise—our ears can't adapt accordingly, says Deanna Meinke, PhD, an audiologist who studies dangerous decibels at the University of Northern Colorado in Greeley.

Over the last few decades, researchers have seen that prolonged exposure to noise can lead to high blood pressure and other cardiovascular issues, and even exacerbate mental health disorders. What's more, noise pollution can be more detrimental at night, when our bodies are much more vulnerable to sounds during sleep.

And sound-level guidelines for health impacts beyond hearing loss don't yet exist. "We don't have limits for a noise level that would prevent heart attacks, or prevent high blood pressure, or prevent depression," says Rick Neitzel, PhD, a noise pollution expert at the University of Michigan.

In 2020, an international team of researchers published a study in *European Heart Journal* where they followed about 500 healthy adults for five years. They found that every five-decibel increase over a baseline 45 decibels for a 24-hour span was associated with a 34 percent jump in heart attacks, strokes, and other cardiovascular issues.

And in the early 1990s, the Federal Aviation Administration (FAA) sponsored several studies to determine how loud an airport could be without making residents seriously annoyed. They found that about half of the residents reached that threshold of annoyance when exposed to an average of 75 decibels over a 24-hour period, although they didn't characterize how that manifested in health impacts. But about 20 years later, a group of German researchers tracked over 2,300 residents who lived in the flight path of Frankfurt Airport, and found that the individuals who reported to be "strongly annoyed" by the noise were twice as likely as others to feel depressed or anxious.

The annoyance and resulting stress that Callahan and her neighbors face shouldn't be discounted, says Neitzel. "Annoyance is a huge byproduct of noise exposure, and we don't really understand how important that is in terms of putting someone at risk."

When noise becomes a stressor—as it has been in Murphy—it activates the adrenal system, which not only responds to stress but also regulates an individual's immune and cardiovascular system. "It's not good to spend 8, 10, or 12 hours a day in that condition," Neitzel says. It can drive up heart rate and blood pressure, and cause problems down the line.

► ENVIRONMENTAL EXODUS

As soon as the mine came online, residents in the surrounding neighborhood began noticing changes in animal behavior. Ronny and Kathy Williams, who live atop Poor House Mountain Trail, lament the decline of birds in their backyard, where they keep multiple feeders. "We've seen very few goldfinches this year. The house finches came and went. And I've only seen one Carolina wren this year," Ronny says.

Meanwhile, Phyllis Cantrell, who lives about as far from the mine as the Williamses, has noted that hawks and eagles no longer nest nearby. The hummingbird feeders on her deck she used to refill four times a day are now going three days before she replenishes them.

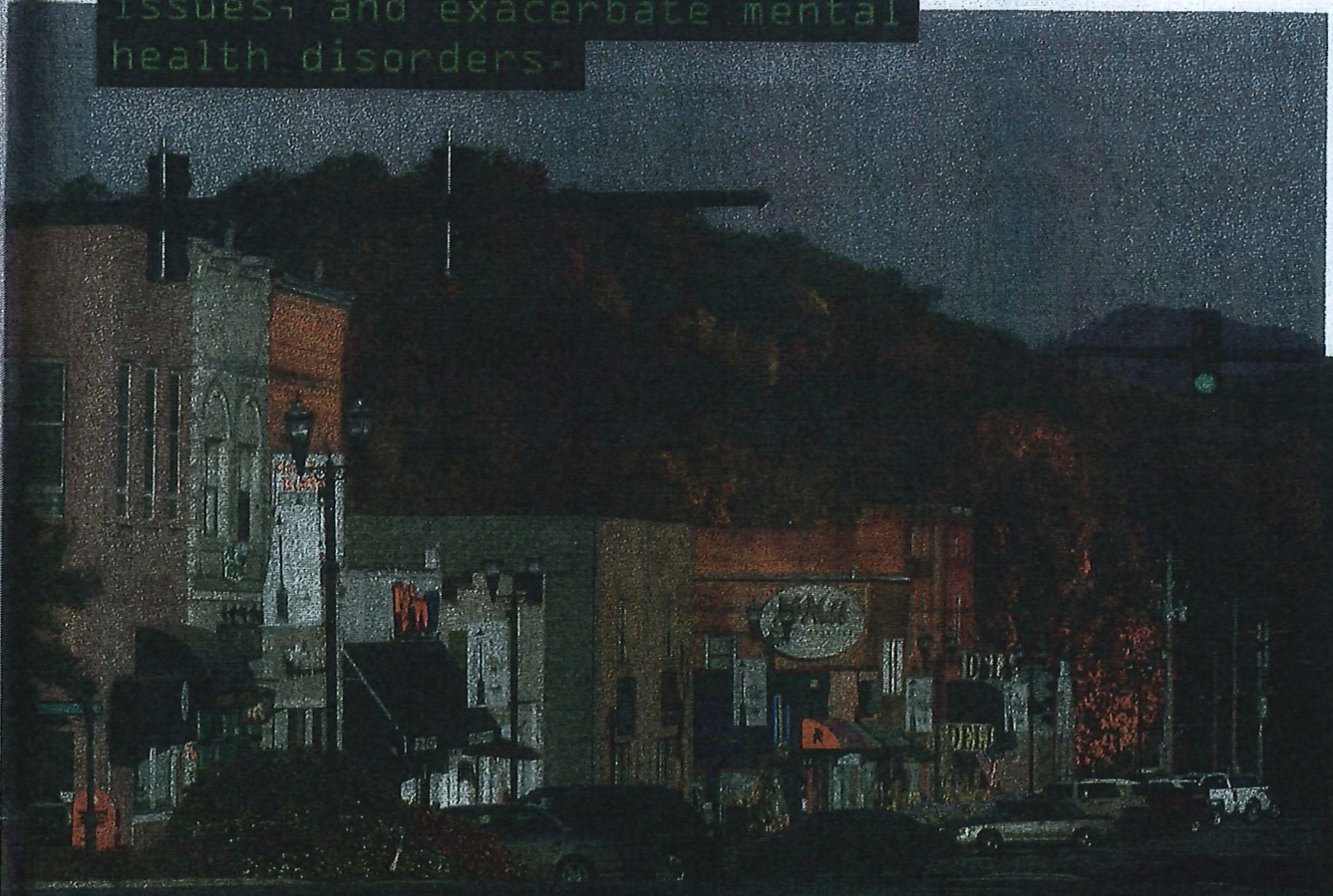
The area near the mine used to be prime habitat for wild turkey and deer. Now, they're moving farther up the mountains. Morris, for instance, has recently found deer in her backyard for the first time.

A herd of horses that live on a patch of land across from the mine on Harshaw have been trying to flee more frequently, too, according to the Lugiewiczzes, who live across from where they're kept. On a warm weekend last December, on a day when the fans from the mine were especially loud, Jennifer and Shannon Coleman spent an hour trying to wrangle the horses—who seemed spooked by

the noise—all the while shouting over the din, standing just five feet away from each other. And dogs begin howling, says Cantrell, when the mine is especially loud at night.

Research shows that

Researchers have seen that prolonged exposure to noise can lead to high blood pressure and other cardiovascular issues, and exacerbate mental health disorders.





LEFT: Patricia Callahan lives about a quarter mile from the cryptocurrency mine. She says its noise triggers her PTSD symptoms. **RIGHT:** Beaver Ridge Trail loops around the neighborhood next to the mine.

hundreds of animal species are affected by noise, says Clinton D. Francis, PhD, an evolutionary ecologist who studies noise pollution at California Polytechnic State University, San Luis Obispo.

The ability to perceive sounds and respond is a part of a "universal threat detection system" across vertebrates, he says. "Hearing is used to passively listen for threats while we're doing other things."

The impact of noise pollution is perhaps best characterized for birds. They may modify their songs to be at a higher pitch or sing more frequently to stand out amid the noise. Some field research shows that about a third of birds may completely leave an area because of noise pollution, with major ecological consequences. In 2012, Francis and his colleagues published a study that showed low-frequency industrial noise from gas wells and compressors (clocking in at around 95 decibels) reshaped areas of the Rattlesnake Canyon Habitat Management Area in northwestern New Mexico. Birds there are critical in dispersing seeds of the Colorado pinyon pine. And now, some preliminary research from Francis's group suggests that noise pollution may lead to inheritable changes in specific species and populations. In other words: Noisy enterprises like crypto mines can alter the wildlife near it for generations to come.

But Francis is heartened by the fact that when the source of noise is removed, animals reclaim where they once lived. Think back to the early days of the COVID-19 pandemic, for instance, when the songs of the white-crowned sparrows in San Francisco grew more frequent when the din of the city subsided, or lions napped along traffic-free roads in South Africa.


▶ LAX ZONING LAWS AND FEW ANSWERS

Despite the annoyance, the deleterious health effects, and the damage to the ecosystem, there's no legal protection for the residents

of Murphy due to scant zoning laws in Cherokee County, which would otherwise protect residential areas from industrial development. Already, there are three mines in the county, and citizens fear more may be coming.

Some Murphy residents have left because of the noise from the mine. Others who have put their life savings into their idyllic mountain home have no choice but to fight for change and show up to the commissioners meetings in droves. So far, the residents' concerns about noise mostly have fallen on deaf ears. They're also frustrated by the lack of answers from their five commissioners as to how the mine ended up there in the first place.

They're trying to get their elected officials to enforce a 1999 county ordinance under which perpetrators are fined \$50 a day for sustained noise above 50 decibels. But the commissioners say that the ordinance is unenforceable without the zoning



laws that Cherokee County lacks.

And without zoning laws, it's impossible for anyone to find a legal standing to hold anyone accountable. In Limestone, Tennessee, where the cryptocurrency company Red Dog set up shop, residents had recourse because Red Dog violated an existing zoning ordinance. That county sued and won. The mine is set to shut down by the end of 2024, pay associated penalties, and relocate away from a residential area.

The Cherokee County board of commissioners—particularly Dan Eichenbaum, Gary Westmoreland, and Randy Phillips, who locals refer to as “the triad” for their similar voting patterns on controversial issues—are not keen on changing the status quo. None responded to comment on this story. And amid the calls for zoning reform, a quieter contingent of Murphy residents don't want any government interference in land use or rights.

Since the Murphy mine was set up last fall, it was partially enclosed by wall sections in February, but locals say that only made the sound worse, as the openings between the walls funnel sound in very specific directions. Wade, of Exponential Digital, said that this partial enclo-

sure helps them “maintain and preserve natural cooling and airflow, resulting in a more energy-efficient operation while further mitigating sound.” Moving forward, Wade says, the company will work closely with the commissioners to ensure the facility doesn't generate more noise.

For now, Morris hopes that this year's election will help, as the residents can vote for someone who will make decisions in their interests. “Until you get the commissioners behind this and really start pushing for it, change isn't going to happen,” she says. “It starts with them.”

Since the bullet on her doorstep, Morris has taken a backseat at the meetings, but she's still attending and staying engaged. Already, not even a year out, she's tired, and looking forward to what—eventually—could come after the mine. For her, it means peace and quiet, and the paradise that Murphy promised. ■

MEMO

To: Marion Township Planning Commission
From: Bob Hanvey
Subject: Ordinance Enforcement
Date: February 28, 2023

Attached is a copy of the Marion Township Zoning Report that is included in the Board of Trustees meeting packet once every month.

It shows a total of 601 events that are documented Ordinance Enforcement events for the year 2022.

Not included in this report are the telephone and in-person conversations that involve explaining our ordinance to residents, real estate agents, Township Board Members, and contractors. These are also Ordinance Enforcement events.

2022 ZONING REPORT

[illegible]



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, January 18, 2023 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers

304 East Grand River, Howell, MI 48843

Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link at the bottom of the agenda

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – January 18, 2023
5. Approval of Meeting Minutes – December 21, 2022
6. Call to the Public
7. Zoning Reviews
 - A. Z-01-23 Green Oak Township, Text Amendment, Article IX Signs
 - B. Z-02-23 Putnam Township, Rezoning, PUD Planned Unit Development to A-O Agricultural/Open Space District in Section 14
 - C. Z-03-23 Marion Township, Text Amendment, Article XIV Off-Street Parking and Loading, Sections 14.01 - 14.04 Intent of Parking Provisions, Location, Site Development
 - D. Z-04-23 Marion Township, Text Amendment, Articles 3, 6, and 17 Kennels and Keeping of Animals
 - E. Z-05-23 Handy Township, Rezoning, AC Ancillary Commercial to AR Agricultural Residential in Section 22
 - F. Z-06-23 Cohoctah Township, Text Amendment, Various Sections, Solar Farms and Solar Energy Systems
8. Old Business
 - A. 2023-2027 Parks & Open Space Plan, Adopted December 27, 2022
9. New Business
 - A. Update on Planning Director position
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

Department Information

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Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

TO: Livingston County Planning Commissioners and the
Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: January 5, 2023

SUBJECT: Z-04-23 Amendments to Zoning Ordinance Articles -
Various Articles: Kennels

The Marion Township Planning Commission proposes to revise several current provisions in various section of the Township Zoning Ordinance related to kennels. Since the 2020 new Livingston County Animal Control ordinance was not coordinated with municipalities, the township has been working since then to get their ordinance in line with that of the county. The township is eliminating the hobby kennel special use, changing the commercial kennel special use, and updating some of the corresponding language. This change was needed to align with the Livingston County Animal Control Ordinance.

Proposed additions to existing text are noted in red underline, deletions in ~~strike through~~.

The Marion Township Planning Commission proposes to revise several current provisions in various section of the Township Zoning Ordinance related to kennels, in the following manner:

ITEM 1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is amended by deleting the following definitions:

~~**Kennel, Commercial:** Any lot or premises used for breeding, commercial sale, boarding or keeping of 11 or more dogs over six months of age.~~

~~**Kennel, Hobby:** Any lot or premises used for breeding, commercial sale, or keeping of more than 3 but less than 11 dogs over six months of age.~~

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zoning district provided that the number of pets, except as provided below for dogs, does not exceed eleven (11). If more than ~~three~~ **five (35)** dogs are kept as household pets, none of the dogs kept shall be counted as a household pet nor be considered a permitted accessory use but instead the owner must obtain a hobby **special land use approval** for a kennel permit as provided herein.

Section 6.02(D) Hobby Kennels and Section 6.02(E) Commercial Kennels of the Township's Zoning Ordinance are hereby amended to read, in their entirety, as follows:

- D. ~~Hobby kennels~~ **Kennels**: The keeping of more than ~~three~~ **five (35)** dogs, but less than eleven (11) shall only be allowed subject to the hobby kennel provisions of this ordinance and issuance of an appropriate permit by the Township. Hobby kennels are permitted subject to the special conditions in the Rural Residential (Section 8.01) and Suburban Residential District (Section 8.02). Hobby kennels are permitted only by special use permit in the Urban Residential District (Section 8.03) and are **is** subject to the requirements of Section 17.19.B **Kennels**.
- E. ~~Commercial kennels~~: The keeping of eleven (11) or more dogs shall be subject to the commercial kennel provisions of this ordinance. Commercial kennels are only permitted by special use permit in the Rural Residential (Section 8.01.E) and Suburban Residential (Section 8.02.E) Districts and are subject to the requirements of Section 17.19A.

ITEM 3. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.01(D)(2) of the Zoning Ordinance is deleted.

Section 8.01 RR: Rural Residential District

D. Uses Permitted By Right Subject to Special Conditions

2. Hobby kennels subject to the following conditions:

- a. ~~A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) animals and one third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.~~
- b. ~~Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~
- c. ~~All kennels shall be operated in conformance with all applicable county, state, and federal regulations.~~
- d. ~~Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of 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~~



Section 8.02(D)(2) of the Zoning Ordinance is deleted in its entirety, as follows:

Section 8.02 SR: Suburban Residential District

D. Uses Permitted By Right Subject to Special Conditions:

2. Hobby kennels subject to the following conditions:

- a. ~~A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) dogs and one third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.~~
- b. ~~Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~
- c. ~~All kennels shall be operated in conformance with all applicable county, state, and federal regulations.~~
- d. ~~Habitual barking or unusual noises from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of 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.~~
- e. ~~All dogs must be licensed and maintained in a healthful manner.~~
- f. ~~Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.~~
- g. ~~Runs and/or exercise areas and building where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be submitted for the required screening wall if such wall screens the view of the kennel run from adjacent property.~~
- h. ~~Accessory buildings where dogs are kept, runs and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.~~
- i. ~~The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.~~
- j. ~~Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.~~
- k. ~~Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.~~



ITEM 4. AMENDMENT OF ARTICLE XVII: SPECIAL USE SPECIFIC DESIGN STANDARDS

Article XVII Standards for Specific Land Uses of the Zoning Ordinance is proposed to be amended by merging Section 17.19(A) Commercial Kennels and 17.19(B) Hobby Kennels to 17.19 Kennels to read, in its entirety, as follows:

17.19 Kennels

- A. **Locational Requirements:** Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.
- B. **Site Requirements:** A kennel shall be on a lot with a minimum lot size of two (2) acres for the first five (5) dogs and an additional one-third (1/3) acre for each additional animal thereafter.
- C. **Buffering Requirements:** Accessory buildings where dogs are kept, runs, exercise areas, and any other place where dogs are kept outside, shall be located at least fifty (50) feet from any lot lines.
- D. **Barrier Requirements:** The dog runs or enclosures, exercise yards, and any places where the dogs are kept either fulltime or part time must be enclosed with a view obstruction noise barrier, such as a sound fence, to prohibit the escape of dogs. The fence or barrier shall have a minimum height of six (6) feet, a maximum height of eight (8) feet high, be at least three (3) feet from any of the runs, exercise areas, places where the dogs are kept, or any exterior property lines, wetlands, or ponds.
- E. **Performance Standards:**
 - 1. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.
 - 2. Kennel indoor areas and any building used to house the dogs shall be insulated to minimize animal noises.
 - 3. Dog nuisance barking that results in a nuisance to neighboring landowners or residents is prohibited. Sounds created by a kennel shall be subject to the Marion Township Nuisance Ordinance.
 - 4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
 - 5. Dog runs, exercise yards, and any places where the dogs are kept either fulltime or part time must be located in the rear yard only.
 - 6. Kennel outdoor areas shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13 Landscaping, Fencing, Walls, and Screens.



d. The exterior run or enclosure for each indoor enclosure shall be a minimum of four (4) feet wide and twelve (12) feet long and have direct access to the kennel building. The opening into the kennel building shall have a sliding or other type of closable door.

e. Outdoor areas and exercise areas shall be provided with areas of shade and adequate shelter to protect from rain, snow, and weather detrimental to the health of the animal. Adequate fresh drinking water must be present at all times for each animal while in the outdoor or exercise areas.

f. Dogs shall be supervised at all times when outdoors.

g. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

h. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

i. Dust and drainage from the kennel building, exterior runs or enclosures, or exercise areas shall not create a nuisance or hazard to adjoining properties or uses.

j. All waste shall be disposed of according to state, county, and federal regulations.

Township Recommendation: Approval. The Marion Township Planning Commission recommended Approval of this zoning amendment at its December 20, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments for both issues appear to be reasonable and appropriate. The regulations as proposed for kennels are consistent with those found in most other local county municipalities that regulate these uses, as well as it more importantly brings the township ordinance in much closer compliance with the new Livingston County Animal Control Ordinance of 2020.



Livingston County Department of Planning

January 19, 2023

Marion Township Board of Trustees
c/o Tammy Beal, Township Clerk
Marion Township Hall - 2877 West Coon Lake Road
Howell, MI 48843

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

**Re: County Planning Commission Review of Zoning Text Amendment
Z-03-23 and Z-04-23: Amendments to Zoning Ordinance Articles -**

- Off-Street Parking and Loading
- Kennels

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, January 18, 2023, and reviewed the zoning text amendments referenced above. The County Planning Commissioners made the following recommendations:

Z-03-23 – Approval. The proposed amendments appear to be reasonable and appropriate. They appear to pose no undue hardship on anyone involved. The regulations as proposed helps clarify the intent of the regulations and will hopefully rectify and eliminate an on-going undesirable issue taking place fairly quickly in the township going forward.

Z-04-23 – Approval. The proposed amendments for both issues appear to be reasonable and appropriate. The regulations as proposed for kennels are consistent with those found in most other local county municipalities that regulate these uses, as well as it more importantly brings the township ordinance in much closer compliance with the new Livingston County Animal Control Ordinance of 2020.

NOTE: It's recommended that the Township correct the typographical error found in the proposed definition of "Kennels" (i.e., "four six (46 months)", should be "four to six (4 to 6) months...").

Department Information

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Copies of the staff reviews as well as draft Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

Robert A. Stanford

Robert Stanford, Principal Planner

Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission
Dave Hamann, Zoning Administrator, Marion Township

Additional minutes and agendas are available at: <https://www.livgov.com/plan/Pages/meetings.asp>



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

TO: Livingston County Planning Commissioners and the
Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: January 5, 2023

SUBJECT: Z-03-23 Amendments to Zoning Ordinance Articles -
Article 14: Off-Street Parking

The Marion Township Planning Commission proposes to revise current provisions related to off-street parking and loading of commercial vehicles to better clarify the intent of the ordinance.

Proposed additions to existing text are noted in red underline, deletions in ~~strike through~~.

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 Commercial vehicles shall be stored on the lot occupied by the principal building.

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Section 14.03 Location of Parking Areas

All Commercial 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.

LIVINGSTON COUNTY PLANNING COMMISSION MEETING MINUTES

January 18, 2023

6:30 p.m.

Hybrid In-Person and Virtual Zoom Meeting

Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC
<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BILL ANDERSON MATT IKLE DENNIS BOWDOIN	BRIAN PROKUDA PAUL FUNK JASON SCHROCK
COMMISSIONERS ABSENT:	BILL CALL	
STAFF PRESENT:	ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	BRUCE POWELLSON – MARION TWP SIGN IN SHEET (CONWAY AND COHOCTAH TOWNSHIP RESIDENTS) WAYNE PERRY - DESIGN, INC.,	

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO APPROVE THE AGENDA, DATED JANUARY 18, 2023, SECONDED BY COMMISSIONER FUNK.

All in favor, motion passed

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE MINUTES, DATED DECEMBER 21, 2022, SECONDED BY COMMISSIONER BOWDOIN.

All in favor, motion passed.

6. **CALL TO THE PUBLIC:** None.

County Comprehensive Plan:

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

Township Planning Commission Recommendation: Approval. The proposed rezoning was **Approved** at the December 14, 2022, public hearing. There were no major comments indicated in the draft meeting minutes of the November 15, 2022, Putnam Township Planning Commission on the proposed rezoning.

Staff Recommendation: Approval. The proposed rezoning from PUD (Planned Unit Development) to A-O (Agricultural Residential) is compatible with both the Putnam Township Master Plan and the Livingston County Master Plan.

Commission Discussion: Commissioner Ikle asked if there are low areas on the site. Wayne Perry from Desine, Inc., stated that the parcels are impacted by a variety of lowlands and wetland areas – approximately 360 acres. Mr. Perry further explained the project and reasons for the zoning request change. Density of the project would remain the same. Commissioner Funk asked if EGLE is aware of the request to rezone to agricultural zoning. Mr. Perry explained that rezoning the property to AO does not require any EGLE permits.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER IKLE.

Motion passed: 6-0

C. Z-03-23. MARION TOWNSHIP. AMENDMENTS TO THE ZONING ORDINANCE:
ARTICLE XIV OFF-STREET PARKING AND LOADING, SECTIONS 14.01-14.04.

The Marion Township Planning Commission proposes to revise current provisions related to off-street parking and loading of commercial vehicles to better clarify the intent of the ordinance.

Township Planning Commission Recommendation: Approval The Marion Township Planning Commission recommended **Approval** of this zoning amendment at its December 20, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. They appear to pose no undue hardship on anyone involved. The regulations as proposed helps clarify the intent of the regulations and will hopefully rectify and totally eliminate an on-going undesirable issue taking place fairly quickly in the township going forward.

Commission Discussion: Commissioner Prokuda asked what the impetus was for the changes? Bob Hanvey, Supervisor, Marion Township, stated that the original intent of the ordinance was unclear, and it will only apply to commercial vehicles. The ordinance was perceived by residents in a different manner.

Public Comment: None

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER SCHROCK.

Motion passed: 6-0

While the petitioner is requesting a semi-residential zoning designation, the property offers potential for a variety of uses in the residential, commercial, and office land use category.

County Comprehensive Plan:

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

Township Planning Commission Recommendation: Approval. The proposed rezoning was **Approved** at the December 15, 2022, public hearing. There were no major comments indicated in the draft meeting minutes of the December 15, 2022, Handy Township Planning Commission on the proposed rezoning.

Staff Recommendation: Approval. The proposed rezoning from AC (Ancillary Commercial) to AR (Agricultural Residential) is compatible with both the Handy Township Master Plan and the 2018 Livingston County Master Plan.

Commission Discussion: Commissioner Ikle requested clarification on the future land use designation of the property and questioned if it went against the master plan classification of mixed use. Principal Planner Barb stated that the rezoning allowed the owner to utilize the property to their advantage while promoting a change if future owners desired.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 6-0

F. Z-06-23. COHOCTAH TOWNSHIP. AMENDMENTS TO THE ZONING ORDINANCE: VARIOUS ARTICLES AND SECTIONS SOLAR FARMS AND SOLAR ENERGY SYSTEMS AND MORATORIUM.

During the November 16, 2022, Livingston County Planning Commission meeting, the Commission heard, reviewed and made recommendation on Livingston County Zoning Case #Z-37-22 (Recommendation: Take No Action, Encourage Further Review). With this set of amendments the township proposed to do the following:

- The township proposed to remove the definition of “Solar Farm” from Section 2.02.
- The township proposed to replace references to “Solar farms” to “Utility scale solar energy systems” in Sections 4.03(M), 5.03(L), 6.03(K), 7.03(H), 10.03(G), 11.03(X), and 16.58(C).
- The township proposed to delete Section 13.17 regarding Solar Buildings.
- The township proposed to replace existing section 13.27 in its entirety and revise it with new regulations throughout.

While it was felt by County Planning Staff that the proposed amendments were very comprehensive and many of them sufficiently addressed many of the elements related to proper planning and zoning related to the issue according to the current establish set of unofficial guidelines developed by the Michigan State University Extension and University of Michigan-Graham Institute of Sustainability entitled: “Planning & Zoning for Solar Energy Systems: A Guide for Michigan Local Governments”¹, there were many undefined, unclear and vague areas through the proposed amendments that the County Planning Commission recommended that the Township take back the amendments to reevaluate and continue to better clarify these areas of deficiencies in the proposal and perhaps repropose to the County Planning Commission at a near future date a cleaner more refined set of amendments.

¹(Source: available at:

<https://www.canr.msu.edu/planning/uploads/files/SES-Sample-Ordinance-final-20211011-single.pdf>)

Commissioner Prokuda clarified with Mark Fosdick, Cohoctah Township Supervisor, that a new ordinance will be forthcoming from the township and would encourage the Planning Commission to support the moratorium. Commissioner Schrock stated he will not support taking no action as the township needs direction on this issue at this time. Principal Planner Stanford clarified staff's position that there is support for the repeal if that is the path the township is choosing to take in response and

subsequent to the County Planning Commission's previous recommendation of Take No Action, Encourage Further Review (re: Z-37-22), but that there is no Staff support for continuing with additional moratoriums.

Public Comment: Joanne Hauss, Fleming Road, stated she will have a substation and panels all around her and is vehemently against the proposed development. Property values, MSDS sheets, pollution, water, and wildlife, radiation, noise from converters and substations, and drain issues were many of her concerns. Clint Beach, Cohoctah Road, stated his support for a moratorium. Susan Nichols, Fairways Drive, stated her concerns about how solar development will impact farms and farming and the potential fire and cadmium issues from the solar panels. Andrea Bedwell, Owosso Road, stated she would be facing solar panels daily and is concerned about how the proposed development will impact her home and future. Her concerns are noted as property values, her children's future, and her desire to stay in Livingston County and how difficult it is to see these impacts and how they may change due to the proposed solar development. Rhonda Beach, Owosso Road, is concerned about the placement of panels on prime farmland within the township. Mark Fosdick, Cohoctah Township Supervisor, stated that there will be an ordinance very soon that will be coming to the County Planning Commission that will address wind and solar and will also address the issues that have been brought out before during other reviews. Jenn (online) stated that solar power needs a vast amount of land and displaces wildlife and has concerns about what happens if this development is allowed to move forward.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW. SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 6-0

8. OLD BUSINESS:

- A. 2023-2027 Parks & Open Space Plan:** Plan was adopted December 27, 2022, by the Livingston County Board of Commissioners and has been filed with the Michigan Department of Natural Resources. The plan is good through 2027.

9. NEW BUSINESS:

- A. Update on Planning Director position:** No report at this time.

10. REPORTS: None.

- 11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Commissioner Bowdoin informed the commission about alert from the State of Michigan regarding fishing and quantity recommended for consumption. Andrea Bedwell, Conway Township, spoke again regarding solar concerns and her available options for making changes and having her voice heard at the local level.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO ADJOURN THE MEETING AT 8:34 P.M., SECONDED BY COMMISSIONER IKLE.

Motion passed: 6-0

Attached is the Off-Street Parking with RED highlighted changes for public hearing.

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 NONRESIDENTIAL vehicles shall be stored on the lot occupied by the principal building.**

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

Section 14.02 Parking Space Requirements

The number of required off-street parking spaces in the RR, SR, UR, ERS, HS, LI, PL and PUD districts

Article XIV: Off-Street Parking and Loading

shall be provided with the following:

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

Article XIV: Off-Street Parking and Loading

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

Section 14.03 Location of Parking Areas

All NON-RESIDENTIAL 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 NON-RESIDENTIAL 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 NON-RESIDENTIAL 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.

Article XIV: Off-Street Parking and Loading

Figure 14-1 Parking Graphic

Article XIV: Off-Street Parking and Loading

- D. **Surface:** **NON-RESIDENTIAL** 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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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.

Attached is the Kennel Ordinance with Red and Blue changes for the Public Hearing.

MARION TOWNSHIP KENNEL ZONING ORDINANCE AMENDMENT

An amendment the Marion Township Zoning Ordinance to amend and add definitions related kennels and amend kennel standards.

Marion Township Ordains:

SECTION 1. PURPOSE & INTENT

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

SECTION 2. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended by deleting the following definitions:

~~Kennel, Commercial: Any lot or premises used for breeding, commercial sale, boarding or keeping of 11 or more dogs over six months of age.~~

~~Kennel, Hobby: Any lot or premises used for breeding, commercial sale, or keeping of more than 3 but less than 11 dogs over six months of age.~~

SECTION 3. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended by adding the following definitions to read, in their entirety, as follows:

Kennels: The following definitions shall apply in the application of this Ordinance:

Dog Nuisance Barking: Barking that is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of one (1) or more person's occupying property next to or in reasonable proximity ~~to of~~ the ~~property where the dogs are kept~~ kennel. The barking must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.

Dog Run: A locked and fenced-in outdoor area where dogs can run and exercise in a controlled manner.

Kennels: Any lot or premises on which five (5) or more dogs of more than ~~four-six~~ (46) months ~~in-of~~ age are kept temporarily or permanently, as pets, or any lot or premises for the purpose of caring for, dog rescue, boarding, training or sporting purposes, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.

~~[COUNTY DEFINITION FOR COMPARISON: KENNEL means any establishment, except a pet shop, animal shelter or pound licensed pursuant to MCL 287.331 to 287.340, wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.~~

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

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

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

SECTION 4. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

Section 6.02(C) Household Pets of the Township's Zoning Ordinance is hereby amended to read, in its entirety, as follows:

C. Household pets: The keeping of household pets, such as dogs, cats, and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided that the number of pets, except as provided below for dogs, does not exceed eleven (11). If more than ~~three~~ five (35) dogs are kept as household pets, none of the dogs kept shall be counted as a household pet nor be considered a permitted accessory use but instead the owner must obtain a hobby special land use approval for a kennel ~~permit~~ as provided herein.

SECTION 5. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

Section 6.02(D) Hobby Kennels and Section 6.02(E) Commercial Kennels of the Township's Zoning Ordinance are hereby amended to read, in their entirety, as follows:

- D. ~~Hobby kennels~~Kennels: The keeping of more than ~~three five (35)~~ dogs, but less than eleven (11) shall only be allowed subject to the hobby kennel provisions of this ordinance and issuance of an appropriate permit by the Township. ~~Hobby kennels are permitted subject to the special conditions in the Rural Residential (Section 8.01) and Suburban Residential District (Section 8.02). Hobby kennels are permitted only by special use permit in the Urban Residential District (Section 8.03) and are is~~ subject to the requirements of Section 17.19.B Kennels.
- E. ~~Commercial kennels~~: The keeping of eleven (11) or more dogs shall be subject to the commercial kennel provisions of this ordinance. ~~Commercial kennels are only permitted by special use permit in the Rural Residential (Section 8.01.E) and Suburban Residential (Section 8.02.E) Districts and are subject to the requirements of Section 17.19A.~~

SECTION 6. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.01(D)(2) of the Zoning Ordinance is hereby deleted.

2. ~~Hobby kennels subject to the following conditions:~~

- a. ~~A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) animals and one third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.3-~~
- b. ~~Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~
- c. ~~All kennels shall be operated in conformance with all applicable county, state, and federal regulations.~~
- d. ~~Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of 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.~~
- e. ~~All dogs must be licensed and maintained in a healthful manner.~~

- ~~f. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.~~
- ~~g. Runs and/or exercise areas and buildings where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be submitted for the required screening wall if such wall screens the view of the kennel run from adjacent property.~~
- ~~h. Accessory buildings where dogs are kept, runs, and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.~~
- ~~i. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.~~
- ~~j. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.~~
- ~~k. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.~~
- ~~l. 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. During the hours between 7:00 a.m. and 10:00 p.m., dogs shall be permitted in outdoor runs or pens. Dogs shall be confined and not allowed to run at large on the property, except as part of supervised training~~

SECTION 7. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.01(E)(9) of the Zoning Ordinance is amended to read, in its entirety, as follows:

~~9. Commercial kKennels.~~

SECTION 8. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.02(D)(2) of the Zoning Ordinance is hereby deleted.

~~2. Hobby kennels subject to the following conditions:~~

- ~~a. A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) dogs and one third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.~~
- ~~b. Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~

- ~~c. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.~~
- ~~d. Habitual barking or unusual noises from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of 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.~~
- ~~e. All dogs must be licensed and maintained in a healthful manner.~~
- ~~f. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.~~
- ~~g. Runs and/or exercise areas and building where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be submitted for the required screening wall if such wall screens the view of the kennel run from adjacent property.~~
- ~~h. Accessory buildings where dogs are kept, runs and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.~~
- ~~i. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.~~
- ~~j. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.~~
- ~~k. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.~~
- ~~l. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm and 7:00 am. During the hours between 7:00 am and 10:00 pm, dogs shall be permitted in outdoor runs or pens. Dogs shall be confined and not allowed to run at large on the property, except as part of supervised training.~~

SECTION 9. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.02(E)(10) of the Zoning Ordinance is amended to read in its entirety, as follows:

10. Commercial Kennels.

SECTION 10. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.03(D) Uses Permitted By Special Right of the Zoning Ordinance is amended to read, in its entirety, as follows:

D. Uses Permitted By Special Use Permit:

1. Public facilities, including cemeteries, parks, schools, libraries, and recreational facilities, similar uses and activities.
2. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
3. Adult foster care small group homes.
4. Adult foster care large group homes.
5. Bed and breakfast establishments.
6. Churches and religious buildings.
7. Child care centers.
8. Communication towers.
9. Golf courses and country clubs.
10. Group child care homes.
- ~~11. Hobby kennels.~~
- ~~12.11.~~ Hospitals.
- ~~13.12.~~ Multiple-family dwellings.
- ~~14.13.~~ Nursing or convalescent homes.
- ~~15.14.~~ Private recreational facilities.

SECTION 11. AMENDMENT OF ARTICLE XVII: SPECIAL USE SPECIFIC DESIGN STANDARDS

Article XVII Standards for Specific Land Uses of the Zoning Ordinance is hereby amended to merge Section 17.19(A) Commercial Kennels and 17.19(B) Hobby Kennels to 17.19 Kennels to read, in its entirety, as follows:

17.19 Kennels

- A. **Locational Requirements:** Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.

- B. **Site Requirements:** A kennel shall be on a lot with a minimum lot size of two (2) acres for the first five (5) dogs and an additional one-third (1/3) acre for each additional animal thereafter.
- C. **Buffering Requirements:** Accessory buildings where dogs are kept, runs, exercise areas, and any other place where dogs are kept outside, shall be located at least fifty (50) feet from any lot lines.
- D. **Barrier Requirements:** The dog runs or enclosures, exercise yards, and any places where the dogs are kept either fulltime or part time must be enclosed with a view obstruction noise barrier, such as a sound fence, to prohibit the escape of dogs. The fence or barrier shall have a minimum height of six (6) feet, a maximum height of eight (8) feet ~~high~~, be at least three (3) feet from any of the runs, exercise areas, places where the dogs are kept, or any exterior property lines, wetlands, or ponds.
- E. **Performance Standards:**
1. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.
 2. ~~The main kennel building~~Kennel indoor areas and any building used to house the ~~animals~~dogs shall be insulated to minimize animal noises.
 3. Dog nuisance barking that 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. Sounds created by a kennel shall be subject to the Marion Township Nuisance Ordinance.~~
 4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
 5. Dog runs, exercise yards, and any places where the dogs are kept either fulltime or part time must be located in the rear yard only.
 6. ~~The kennel~~Kennel outdoor areas shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13 Landscaping, Fencing, Walls, and Screens.
 7. All dogs must be licensed, vaccinated, and maintained in a healthful and careful manner, in conformance with the Livingston County Animal Control Ordinance, Article LV, Sections 1-7, Licensing, and Vaccination.
 8. The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of ~~the township~~Township ordinances and the County Building Department. In addition, all kennels shall be regulated, inspected, and licensed by the Livingston County Animal Control Ordinance, Article IV, Sections 1-7, Licensing and Vaccination.

9. The kennel shall be owned or operated by the owner of the property.
10. Kennel Indoor Area:
 - a. Indoor animal housing areas shall be provided with sufficient heating and cooling to protect animals from extreme temperatures and to provide for adequate care at all times. The ambient temperature shall be consistent with the needs of the canines and their life stage and medical condition. Adequate fresh drinking water must be present at times for each animal.
 - b. Housing, whelping, and husbandry areas must be of sufficient size to allow room for each animal to stand and walk around freely, and exercise normal postural movements as well as allowing adequate room for bedding, food/water bowls, and the birth and care of any offspring.
 - c. The minimum size of the indoor enclosures ~~within the required kennel building~~ shall be at least four (4) feet by four (4) feet square and four (4) feet high. There shall be a door or gate to each enclosure that allows easy access for inserting and removing the dogs. There shall be a minimum of one (1) enclosure per animal.
 - d. Each indoor enclosure shall have a door that allows access of the dog to an outdoor exercise area that is only accessible by a single indoor enclosure.
 - e. All floors within each enclosure shall be made of sealed or coated concrete to facilitate cleaning, drainage, and sanitation.
 - f. Indoor animal play areas shall be of sufficient size to allow for maintenance of sanitary conditions and to avoid overcrowding of animals.
 - g. Convenient toilet and hand washing facilities with hot and cold running water shall be available to maintain personal hygiene of kennel staff.
11. Kennel Outdoor Area:
 - a. Outdoor areas and exercise areas shall have enclosed walls or fences to keep animals secured and to restrict the entry of dangerous animals from the outside.
 - b. Outdoor areas and exercise areas shall have adequate drainage to prevent standing water.
 - c. Animals shall not be allowed in outside areas unless they are able, in the environmental conditions present at that time, to maintain the normal body temperature appropriate for that species.
 - d. The exterior run or enclosure for each indoor enclosure shall be a minimum of four (4) feet wide and twelve (12) feet long and have direct access to the kennel building. The opening into the ~~required~~ kennel building shall have a sliding or other type of closable door.

Kennels

Zoning Ordinance Amendment (REDLINE)

Draft October 31, 2022

- e. Outdoor areas and exercise areas shall be provided with areas of shade and adequate shelter to protect from rain, snow, and weather detrimental to the health of the animal. Adequate fresh drinking water must be present at all times for each animal while in the outdoor or exercise areas.
- f. Dogs shall be supervised at all times when outdoors.
- g. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.
- h. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- i. Dust and drainage from the kennel building, exterior runs or enclosures, or exercise areas shall not create a nuisance or hazard to adjoining properties or uses.
- j. All waste shall be disposed of according to state, county, and federal regulations.

draft (10.31.2022) for STATE REVIEW

Township of Marion
Livingston County, Michigan

PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE NO. 2023-XX

Adopted

Preamble

AN ORDINANCE authorizing Marion Township to acquire property development rights in real estate within the township and establishing the procedure for acquiring and financing the acquisition of the development rights.

THE TOWNSHIP OF MARION, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

SECTION 1: Title

This Ordinance shall be known and cited as the Marion Township Purchase of Development Rights Ordinance.

SECTION 2: Findings and Declaration of Purpose

The Marion Township Board of Trustees finds that:

Section 2.1 The Township is a desirable place to live, work, and visit in large part because of the availability of farmland and undeveloped open spaces.

Section 2.2 Scenic views, agricultural operations, undeveloped open spaces, and wildlife habitat are all considered invaluable natural and aesthetic resources that should be protected.

Section 2.3 The climate, variety of soils, and terrain make the Township well suited to the production of a great number of row crops, specialty crops, and livestock, including many foods available for direct human consumption.

Section 2.4 Agricultural operations in the Township provide opportunities to harvest locally-grown foods for sale at roadside stands, farmers markets, local retail food stores, and other local stores.

Section 2.5 Land suitable for agriculture is a valuable resource that is lost when land is converted to nonagricultural uses.

Section 2.6 The Township continues to experience substantial residential development pressure from surrounding communities due to its location in Southeastern Michigan and proximity to employment and transportation.

Section 2.7 The conversion of farmland and undeveloped open spaces to residential and commercial uses is at the expense of a critical community resource that is permanently lost to the Township.

Section 2.8 Farmland and undeveloped open space have greater market value for future residential or commercial uses than they have as farmland and undeveloped open space.

Section 2.9 Develop can negatively impact the quality of life by fragmentation of farmlands, open space, and wildlife habitat; loss of productive farmland and forestland; alteration of rural beauty; loss of wetlands; and decline in water quality.

Section 2.10 The permanent acquisition of voluntarily offered interests in farmland and open space within the Township will allow these lands to remain in agricultural use or their natural state near developing areas and provide long-term protection for the public interests which are served by farmland and open space in the Township.

Section 2.11 Properties that the Township has purchased the development rights should remain substantially undeveloped to promote their continued agricultural use or natural state.

Section 2.12 Adoption of the Township's Master Plan, Zoning Ordinance, and other ordinances and plans do not provide sufficient protection against the continued growth and development of residential and commercial uses on farmland and open space.

Section 2.13 The State of Michigan has created an agricultural preservation fund with Public Act 262 of 2000 (MCL 324.36201 et seq) to provide grants for local units of government to acquire agricultural conservation easements provided that a purchase of development rights ordinance and agricultural preservation plan have been adopted.

Section 2.14 This Ordinance is authorized by Section 507 of the Michigan Zoning Enabling Act (MCL 125.3507).

Section 2.15 It is the policy of the Township to protect, preserve, and enhance farmland and open space through its plans and ordinances, the authority granted to it by the Michigan Farmland and Open Space Preservation Act (MCL 324.36101 et seq), the Michigan Conservation and Historic Preservation Easement Act (MCL 324.2140 et seq), and other state acts.

Section 2.16 It is the policy of the Township to facilitate the protection, preservation, and enhancement of farmland and open space through the use of grants, donations, and other available fund sources.

Section 2.17 The acquisition of land and land rights, as provided in this Ordinance, is a public purpose of the Township.

SECTION 3: SECTION 3: Definitions

The following words, terms, and phrases shall have the meanings defined below. Words, terms, and phrases that have a defined meaning in other Township Ordinances and State Acts shall have the meanings defined in those Ordinances and Acts, unless the context clearly indicates otherwise.

Section 3.1 Agricultural Rights: An interest in and the right to use and possess land for the purposes and activities related to open space, natural habitat, horticultural, and other agricultural use or open space character.

Section 3.2 Agricultural Use: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and other similar uses and activities. The term does not include intensive animal husbandry operations in which poultry or livestock are raised for market in large numbers or tightly-confined environments (confined animal feed operations).

Section 3.3 Application: The documentation and information submitted to the Township by an owner on an approved application form offering to sell, donate, or otherwise grant to the Township a conservation easement, development rights, or fee title.

Section 3.4 Board of Trustees. The Marion Township Board of Trustees. Also known as Township Board.

Section 3.5 Chair: The member of the Land Preservation Commission elected to serve as the chair of that Commission.

Section 3.6 Conjunctions: The conjunctions below shall be interpreted as follows, unless the context clearly indicates otherwise:

- (A) And: All of the connected items, conditions, provisions, or events apply.
- (B) Or: The connected items, conditions, provisions, or events may apply singly or in any combination.
- (C) Either Or: The connected items, conditions, provisions, or events shall apply singly but not in combinations.

Section 3.7 Conservation Easement: A non-possessory interest in real property that is acquired in accordance with MCL 324.2140 et seq for the purpose of retaining and enhancing agriculture; preserving natural, scenic, or open space; restricting or preventing development or improvement of land for purposes other than agricultural production or open space preservation; or other like or similar purposes.

Section 3.8 Development. An activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with agricultural use or open space character.

Section 3.9 Development Rights: An interest in and the right to use, divide, or subdivide land for any and all residential, commercial, industrial, or other use, purposes, or activities, including intensive animal husbandry operations, that are not incidental to agricultural use or open space character.

Section 3.10 Development Rights Easement: A grant by an instrument in which the owner relinquishes the right to develop land as defined in this Ordinance and as reserved in the instrument.

Section 3.11 Development Rights Value: The difference between the fair market value of full ownership of land (excluding buildings) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.

Section 3.12 Eligible Land: Farmland or open space for which the purchase of development rights or conservation easement with tax funds and other available fund sources are authorized in this Ordinance.

Section 3.13 Farmland: Those lands shown in the Township Master Plan as being planned for agricultural uses.

Section 3.14 Full Ownership: Fee simple title ownership of land.

Section 3.15 Governmental Agency: The United States or any agency of the United States; the State of Michigan or any agency of the State; or any Township, City, or municipal corporation.

Section 3.16 Land Preservation Commission: The Township Commission created in this Ordinance to review and advise the Township Board in the selection of land for protection.

Section 3.17 Open Space Character or Open Space Use: Substantially undeveloped land devoted to the maintenance or enhancement of natural processes (water quality, plant and wildlife habitat, ground water recharge, etcetera) or scenic enjoyment of the public.

Section 3.18 Owner: The person having fee simple title to land.

Section 3.19 Parcel: All property under a single ownership that is included in an application.

Section 3.20 Parkland: Developed or undeveloped land that is dedicated for the public use as a park.

Section 3.21 Permitted Use: Any use contained within a development rights easement or conservation easement essential to farming or preservation of open space.

Section 3.22 Qualified Appraisal: An appraisal done by an independent, qualified appraiser to establish the value of land or development rights, as defined in the Treasury Regulations, §1.170A-13(c)(3)(5).

Section 3.23 Residential Development: The right to sell a portion of a parcel or to construct a dwelling unit or related accessory buildings not related to the agricultural

use or open space character of the parcel.

Section 3.24 Substantially Undeveloped: Land on which there is no more than one (1) residential dwelling unit, and related accessory buildings, for each forty (40) acres of land. For parcels less than forty (40) acres in existence on the effective date of this Ordinance that cannot be joined to a larger contiguous parcel, substantially undeveloped land shall be a land on which there is no more than one (1) residential dwelling unit, and related accessory buildings, on the parcel.

Section 3.25 Supervisor: The Marion Township Supervisor.

Section 3.26 Township: Marion Township, Livingston County, Michigan.

Section 3.27 Zoning Administrator: The Marion Township Zoning Administrator or designee.

SECTION 4:	Authority
SECTION 5:	Land Preservation Commission
SECTION 6:	Selection Criteria
SECTION 7:	Review Process
SECTION 8:	Retained Residential Development Rights
SECTION 9:	Duration of Acquired Rights
SECTION 10:	Land Preservation Fund Established
SECTION 11:	Supplemental Funds
SECTION 12:	Related Costs
SECTION 13:	Administrative Costs
SECTION 14:	Donations
SECTION 15:	Easement Requirements
SECTION xx:	Purpose
SECTION 16:	Severability

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

This ordinance shall be effective seven (7) days after publication.

Adoption details.

ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH Public Hear	ADOPTED Adopted
TXT # TBD	XVII	17.33	Ag/Tour	On hold but needs rework		
TXT #04-17	X	10.01B16 8.01B3	Landscape Contractor's Operation contract C/W	LI district rqst Board chg Plant Nursery, RTF Nursery Only	2/27/18 10/22/19	2/28/20
		Definitions				
TXT #05-17	XVII	17.34 9.01D.11	Outside Vehicle Storage contract C/W	SU 17.34 rqst (Board) HS district	2/27/18	10/25/19
		Definitions				
TXT # 06-17	VI	6.07 6.22	Accessory Structures LCBD	roof pitch for AG engineered structures +calculation no bldg code, zoning issue	4/18/18 4/18/18	6/30/18 6/30/18
GO #01-17	GO	G11-97	Land Div GO	revise with 6.19B,6.15A	N/R	
GO #02-17	GO	tbd	Nuisance	rqst(Board)	BOT	1/12/20
GO #03-17	GO	tbd	Noise	rqst(Board)	BOT	Nuisance GO
GO #04-17	GO	tbd	Motor Braking GO	rqst(Board) send to Board(10/24/17)	BOT	Nuisance GO
GO #	GO	tbd	combine Lake & Boat GO Cemetery GO Park & Rec	cover all lakes add fines for vandalism still needed? Add moral conduct	N/R N/R N/R	
TXT #07-17	III	Definitions 6.11 18.02	Lots per Parent Parcel Land Balancing/clearing nonconforming Acc Structure	in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet	discuss	ongoing
		Splits				
TXT #	VI	6.14	Home Occupation Class I	add application in first paragraph	dropped	

ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH Public Hear	ADOPTED Adopted
TXT #01-18	VI	6.19/6.20	Private Roads	Length, # of ingress/egress, # driveways, shared driveways, move to Eng Stds	BOT in STD	
TXT #02-18	XVII	17.04A & B	Automobile Repair Garage	Item #8 remove	LCPD	2/8/19
TXT #03-18	XVII	17.32 & 6.14	Home Occupation II & I	proposed to BOT 7-11-2019 sent to LCPD 10/16/2019 , BOT 11/14/2019	8/27/19	3/13/20
TXT #04-18	XVIII	18	Site Plan Requirements	move to Eng Stds and make all other changes	BOT	7/1/20
TXT #	VI	6.32	Solar Ordinance	Zoning Ordinance/GO/both or accessory structure?	Dropped	
TXT #	VI	6.02	Keeping of Animals	RTFA, what is enforceable? Setbacks only?	?	
TXT #01-19	XVII	17.xx	Short Term Rentals	beat to death, add definition and add to RR/SR UBW	11/1/20	Pending
TXT #02-19	XV	15.5,6	Signs for HO	chg to Home Based Business	11/1/20	Pending
TXT #01-20	XVIII	18	Site Plan cleanup	Section 6 and 18 changes	11/1/20	Pending
TXT #02-20	VI	6.07	Accessory Structures	Shipping Containers	11/1/20	Pending
TXT #03-20	XIII	13.04	PUD	move procedure to Standards	12/6/20	Pending
TXT #01-21	XVII,VI,+	17.19a,b, 6.2	Hobby Kennel dogs permitting	WIP	12/20/2022	

[illegible]

Marion Township – Planning Commission Budget to Actual

July 1, 2022 – December 31, 2022 Actual Budget Over/Under %

▼ 701-000 • PLANNING COMMISSION				
701-702 • SALARIES	4,290.00	10,000.00	-5,710.00	42.9%
701-705 • RECORDING SECRETARY	1,187.50	1,500.00	-312.50	79.2%
701-750 • SUPPLIES	33.00	150.00	-117.00	22.0%
701-765 • LUNCH STIPEND	0.00	100.00	-100.00	0.0%
701-801 • ATTORNEY	337.05			
701-804 • PLANNER	6,982.50	6,000.00	982.50	116.4%
701-860 • MILEAGE	0.00	75.00	-75.00	0.0%
701-900 • PRINTING & PUB.	57.50	150.00	-92.50	38.3%
701-910 • TRAINING FOR PLANNING COMMIS...	45.00	1,000.00	-955.00	4.5%
701-956 • MASTERPLAN 2018	1,262.50	1,500.00	-237.50	84.2%
Total 701-000 • PLANNING COMMISSION	14,195.05	20,475.00	-6,279.95	69.3%

Marion Township Planning Commission Proposed Budget for 2022-2023

	2022-4 Months		2022-2023 Annualized	Proposed Budget
Salaries	\$ 3,575	30.6%	\$ 10,725	\$ 12,253
Recording Secretary	\$ 978	8.4%	\$ 2,933	\$ 3,350
Supplies	\$ 33	0.3%	\$ 99	\$ 113
Lunch Stipend	\$ -	0.0%	\$ -	\$ -
Attorney	\$ 80	0.7%	\$ 241	\$ 275
Planner	\$ 5,640	48.3%	\$ 16,920	\$ 19,331
Engineer	\$ -	0.0%	\$ -	\$ -
Prfess Serv-Preapplication	\$ -	0.0%	\$ -	\$ -
Mileage	\$ -	0.0%	\$ -	\$ -
Printing & Pub.	\$ 58	0.5%	\$ 173	\$ 197
Master Plan 2005	\$ -	0.0%	\$ -	\$ -
Training for Planning Commission	\$ 45	0.4%	\$ 135	\$ 154
Miscellaneous	\$ -	0.0%	\$ -	\$ -
Master Plan 2018	\$ 1,262	10.8%	\$ 3,786	\$ 4,326
Planning Commission Other	\$ -	0.0%	\$ -	\$ -
Totals	\$ 11,670	100%	\$ 35,011	\$ 40,000