

**MARION TOWNSHIP PLANNING COMMISSION  
AGENDA**

REGULAR MEETING

March 28, 2023

7:30 PM

Virtual access instructions to participate in the meeting are posted on [www.mariontownship.com](http://www.mariontownship.com)

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: March 28, 2023 Regular Meeting

Approval of Minutes from: February 28, 2023 Regular Meeting

Public Hearing: None

New Business:

- 1) Crypto ordinance

Unfinished 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) GO#01-23 continue PDR (Purchase Development Rights) ordinance discussion
- 3) Call to the public Policy. Add to Bylaws?
- 4) review spreadsheet and determine work plan for 2023

Special Orders:

Announcements:

Call to the Public:

Adjournment

\*Approved by: \_\_\_\_\_  
Larry Grunn - Chairperson

Date: \_\_\_\_\_

**MARION TOWNSHIP  
PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 28, 2023 @ 7:30PM**

**PC MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

**DAVID HAMANN - MARION TWP. ZONING ADMINISTRATOR**

**MEMBERS ABSENT:**

**ALISSA STARLING - PLANNER W/ CARLISLE WORTMAN**

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

Jim Anderson made a motion to approve the February 28, 2023 agenda as presented. Bruce Powelson seconded.  
**MOTION CARRIED**

**APPROVAL OF MINUTES**

Bruce Powelson made a motion to approve the January 24, 2023 Planning Commission minutes. Jim Anderson seconded. **MOTION CARRIED**

**PUBLIC HEARING**

**RZN# 01-23 MITCH HARRIS REZONING PARCELS 4710-02-400-014, 016, 017, 018**

Mitch Harris is requesting parcels 4710-02-400-014, 4710-02-400-016, 4710-02-400-017 and 4710-02-400-018 to be rezoned as Urban Residential. These parcels are currently zoned as Highway Service. However, they used to be zoned Urban Residential until 2003 when they were rezoned as Highway Service. Mitch Harris would now like to change them back to Urban Residential so he can move forward with his new development, "The Meadows North".

The following residents expressed and discussed their concerns regarding this possible rezoning with Mitch Harris and the Planning Commission.

- Dave Shinn 135 Sedum
- Russell Knox 971 Spirea
- Richard Parker 852 Spirea
- Ruth Clements 804 Spirea
- Mark Mynsberge 1019 Spirea
- Monica Tombers 1018 Spirea
- Dennis McCarthy 908 Spirea
- Jennie Robinson 1025 Yarrow
- Ken Nowak 1263 Peavy
- Andy Herald 1881 Cedar Lake Road
- Pat LaForest 1039 Spirea
- Paul Wuellner 458 Hosta
- Phil Owens 899 Spirea

**DRAFT**  
**-COPY-**

- Kyle Swieczkowski 1197 Peavy
- Nancy Nelson 916 Spirea
- Jackie Garnett 62 Sedum
- Marie Wolfer 83 Sedum
- Jim Whyte 3505 Prescott
- James Mallon 4411 Hinchey
- JoAnn Buehler 480 Hosta

These are some of the concerns that were expressed to Mitch Harris and the Planning Commission.

- The residents that currently live in and near The Meadows West do not want the residents from The Meadows North using their private roads to gain access to D19.
- The increased traffic in The Meadows West.
- The increased traffic on D19, Peavy and other nearby roads.
- The impact on the nearby wetlands.
- The safety of those who spend time outdoors in The Meadows.
- The usage of the retention and detention ponds.
- The impact on the water and sewer systems.
- The impact on drains #5 and the Marion/Genoa drain.

Dave Hamann explained the process for a rezoning request. Tonight, the Planning Commission can make a recommendation to the Board of Trustees to approve or deny Mitch Harris' rezoning request. From there, the request would go to the Livingston County Planning Department for review and comment. Once they were done with their review, everything would be sent to the Board of Trustees for a final decision.

**NEW BUSINESS:**

**1) RZN# 01-23 MITCH HARRIS REZONING PARCELS 4710-02-400-014, 016, 017, 018 MAKE RECOMMENDATION**

Mitch Harris explained that tonight we are here to discuss the rezoning of the property. All the details for the development have not been decided on yet. Many of these details and concerns will get worked out at a later date if the rezoning is approved.

Jim Anderson stated that if this property stays zoned as Highway Service, a company could decide to purchase the property and have any one of the following businesses operating at this location: Adult entertainment, automobile sales, bowling alleys, hotels/motels and mobile home sales, rentals and services are just a few of the allowed uses under Highway Service.

Bob Hanvey asked Dave what would happen if the Planning Commission denied the rezoning request today, would the applicant have to amend their request and bring it back? Dave Hamann said the applicant is allowed to make changes to the request and come back with the request to a future meeting.

Bob Hanvey made a motion to postpone action on RZN# 01-23 Mitch Harris Rezoning, until the next Planning Commission meeting on March 28, 2023, so Mitch Harris can return with alternative access options to present. Bruce Powelson seconded. **MOTION CARRIED**

**2) CALL TO THE PUBLIC POLICY – ADD TO BYLAWS?**

Larry Grunn thinks we should change the speaking time limit to three minutes instead of five minutes.

Cheryl Range made a motion for everyone to review the policy and be ready to discuss it at the next Planning Commission meeting on March 28, 2023. Jim Anderson seconded. **MOTION CARRIED**



### **3) CRYPTO MINE HANDOUT**

Bruce Powelson explained that a Bitcoin farm is a large space, more like a warehouse, where a lot of computer equipment is stored and requires central cooling or air conditioning systems to prevent the computers from overheating and getting damaged. Bruce stated that we should have some language on this topic to help protect the Township.

Cheryl Range made a motion to request Carlisle Wortman to gather more information and samples from other jurisdictions on this topic and present at the next Planning Commission meeting on March 28, 2023. Bruce Powelson seconded.

**MOTION CARRIED**

### **4) MEMO TO DISCUSS ORDINANCE ENFORCEMENT**

Jim Anderson said he would like to start seeing the complaint report in the Planning Commission packets each month.

Bruce Powelson made a motion to extend the meeting past 9:30pm. Cheryl Range seconded. **MOTION CARRIED**

Dave explained the complaint/enforcement process to the commissioners. Dave stated that we are a complaint-driven jurisdiction and that we do not drive around and randomly issue tickets to residents who are violating our ordinance.

Tim Ryan, 459 East Davis, made a comment online regarding the enforcement in Marion Township and various commercial businesses that are operating in residential areas.

### **UNFINISHED BUSINESS**

#### **1) TXT# 01-21 KENNELS - RETURNED COMMENTS FROM LIVINGSTON COUNTY PLANNING DEPARTMENT. MAKE RECOMMENDATION TO THE BOARD OF TRUSTEES**

Jim Anderson made a motion to recommend approval of TXT# 01-21 Kennels, to the Marion Township Board of Trustees. Bruce Powelson seconded. **MOTION CARRIED**

#### **2) TXT# 03-22 OFF-STREET PARKING - RETURNED COMMENTS FROM LIVINGSTON COUNTY PLANNING DEPARTMENT. MAKE RECOMMENDATION TO THE BOARD OF TRUSTEES**

Jim Anderson made a motion to recommend approval of TXT# 03-22 Off-Street Parking, to the Marion Township Board of Trustees. Bruce Powelson seconded. **MOTION CARRIED**

#### **3) GO# 01-33 CONTINUE PDR ORDINANCE DISCUSSION**

Cheryl Range stated that she would email John Enos regarding the Township's PDR ordinance and will also copy Jim Anderson on the email.

### **SPECIAL ORDERS**

#### **• BUDGET REVIEW FOR INVOICES**

Jim Anderson will work on the Planning Commission budget with Bob Hanvey and will prepare something for the next Planning Commission meeting on March 28, 2023.

### **ANNOUNCEMENTS**

Jim Anderson asked what we should do if Carlisle Wortman can no longer meet our needs now that Zack Michels is no longer with them. Larry Grunn responded and suggested meeting with John Enos first and then we can go from there.

### **CALL TO THE PUBLIC**

Andy Herald, 1881 Cedar Lake Road, would like Marion Township to hurry up and finish the PUD language.

Les Andersen, 4500 Jewel Road, would like to hire an enforcement officer to work for one day a week on enforcement issues.

### **ADJOURNMENT**

Larry Grunn made a motion to adjourn the meeting at 10:00pm. Bruce Powelson seconded. **MOTION CARRIED**



# Crypto Mining

## Concerns:

Crypto Mining is very energy intensive, using more energy annually than some small countries (Bitcoin for example, uses more energy than the Philippines). **A single Bitcoin transaction uses the same amount of energy as a single US household does over the course of nearly a month.**

- Reason for this is the *Proof of Work* method used to securely verify transactions. Miners race each other, using specialized computers, to solve algorithmically generated puzzles. As the number of miners increases, so too does the amount of computing power necessary to remain competitive.
- In 2022, Ethereum, the second most popular crypto currency, switched to a much less energy-intensive *Proof-of-Stake* verification.

## 5 Areas of Concern:

1. **Electronic waste** - Research shows crypto mining produces electronic waste annually comparable to the electronic waste of the Netherlands. On average, mining produces 30,700 tons of electronic waste a year.
2. **Noise** - fans are needed to cool server systems, large fans running 24/7 can generate considerable noise
3. **Climate impacts** - energy demand necessary for mining is a significant contributor to carbon emissions
4. **Fire safety** - servers could short circuit and start a fire, heat generated in the building and number of electronic appliances running at all times can be a cause for concern. Blockfusion, a company in New York, suffered an explosion in their warehouse in May 2022 and power was not restored until September 2022.
5. **Utility grid impacts** - demand on utility grid is exorbitant, high demand for energy raises electric bills for entire community

## Comparable Communities

One main topic of discussion is whether to regulate crypto mining specifically or under the umbrella of large-scale data processing plants. Included ordinances below refer to both kinds.

Cautionary tale:

### Plattsburgh, New York

A developer signed a lease for a Family Dollar store and turned it into a mining operation, filling the building with servers, running them 24 hours a day. When the miners wanted to expand into a nearby shopping center, local officials told them that they would have to invest \$140,000 in new infrastructure. They weren't discouraged. Soon, the company was regularly drawing over 10 megawatts, enough power for about 4,000 homes.

Sample Ordinance language:

### Missoula County, Montana

Established an overlay district to allow the siting of crypto mining in certain, permitted areas as a conditional or special land use.

**Cryptocurrency Mining:** The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed "proof of work," involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space.

For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers

A. Intent

This overlay zone establishes locations where cryptocurrency mining operations may be sited in Missoula County and conditions that must be met in order to protect the public health, safety, and general welfare of county residents. The intent of this zoning overlay is to mitigate the negative effects of proof-of-work blockchain processing used in cryptocurrency mining operations. This includes, but is not necessarily limited to, very high energy usage, noise pollution, and the disposal of electronic waste. The high energy consumption of cryptocurrency mining operations runs counter to Missoula County's objective to reduce its contribution to climate change. Equipment at these facilities has the potential to create noise pollution that negatively impacts nearby residents, businesses, and wildlife. In addition, electronic waste from cryptocurrency mining operations contains heavy metals and carcinogens that have the potential to damage human health, and air and water quality if not handled correctly.

B. Applicability

All land under jurisdiction of Missoula County, including unzoned lands and excluding incorporated portions of the county.

C. Conditions

Cryptocurrency mining operations must meet all of the following conditions.

1. Cryptocurrency mining facilities may locate only in C-11 (Light Industrial) or C-12 (Heavy Industrial) districts.
2. Cryptocurrency mining facilities shall be reviewed as a conditional use in compliance with Section 4.05, except if adjacent to a residential district (excluding roads and other rights -of -way) or within 500' of residential property boundary when they shall be reviewed as a special exception.
3. These facilities shall be required to develop or purchase sufficient new renewable energy to offset 100 percent of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.
4. 4. Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by a DEQ-licensed electronic waste recycling firm.

D. Nonconforming Cryptocurrency Mining Use

This section shall supersede and replace Section 7.05 of these regulations.

A lawful cryptocurrency mining use existing on the effective date of this zoning overlay which would not be allowed under the terms of these regulations may continue so long as it remains otherwise lawful, subject to the following conditions:

1. Existing structures devoted to nonconforming cryptocurrency mining operations shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the complete use of the structure to a use that conforms with these regulations.
2. Non-conforming cryptocurrency mining operations may be expanded or extended to unoccupied portions of the building or to other buildings only if the expanded or extended portion of the operation conforms with these regulations.
3. Any nonconforming cryptocurrency mining operation may be replaced by the same use only in compliance with these regulations.
4. If a nonconforming cryptocurrency mining operation is discontinued or abandoned for one hundred eighty (180) days or a nonconforming cryptocurrency mining operation is replaced by a conforming use at any time, the structure shall thereafter be used in conformance with these regulations.



5. Removal or destruction of a structure occupied by a nonconforming use shall eliminate the nonconforming status of the use.
6. Any structure occupied by a nonconforming cryptocurrency mining use that is destroyed by any means such that the cost of reconstruction amounts to more than fifty percent (50%) of the total building replacement cost (exclusive of building foundation) shall thereafter be used in conformance with these regulations

### **Moses Lake, Washington**

**“Cryptocurrency mining”** means the operation of specialized computer equipment for the primary purpose of mining one (1) or more blockchain based cryptocurrencies such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware; high density load (HDL) electricity use; a high energy use intensity (EUI) where the operating square footage as determined by the utility is above two hundred fifty (250) kWh/ft<sup>2</sup>/year and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

All cryptocurrency mining operations, server farms, and/or data centers where allowed by the district use chart shall meet the following standards unless otherwise regulated within this code:

- A. Application for a business license shall be processed as an administrative approval without notice.
- B. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is only allowed in the industrial zones as long as the unit is new, pre-engineered and certified by the Department of Labor and Industries.
- C. Prior to approving the business license, the applicant shall provide written verification from the Grant County Public Utility District (PUD) stating the following:
  1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the PUD;
  2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
  3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
- D. Prior to any cryptocurrency mining, server farms, and/or data centers, a copy of the Washington State Department of Labor and Industries electrical permit and written verification that the electrical work has passed a final inspection shall be provided to the City and the PUD.
- E. All cryptocurrency mining operations, server farms, and/or data centers, including all ancillary equipment/operations for purposes such as cooling, shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding properties and not cause the dissemination of dust, smoke, glare, heat, vibration or noise in excess of the maximum environmental noise level established by City Code or Chapter 173-60 WAC beyond the property line or affecting adjacent buildings. Violation of these established noise levels will result in revocation of a City business license pursuant to City Code or any other applicable penalties.

- F. No facade shall have more than twenty percent (20%) of the area exposed with apparatus (e.g., vents, fans, HVAC systems, etc.).
- G. Any use or activity producing air, noise, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
- H. Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted.
- I. Noise emanating from a use or activity within an industrial zone which exceeds the maximum permissible noise levels set forth in WAC 173-60-040 and this chapter shall not be permitted.

Maximum Permissible Environmental Noise Levels  
from a Noise Source in an Industrial Zone

Property Receiving Noise by Zone

Residential	Commercial	Industrial
60 dBA*	65 dBA	70 dBA
50 dBA*		

\*Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations shall be reduced by ten (10) dBA for receiving property adjacent to residential zones.

At any hour of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:

- 1. Five (5) dBA for a total of fifteen (15) minutes in any one (1) hour period.
- 2. Ten (10) dBA for a total of five (5) minutes in any one (1) hour period.
- 3. Fifteen (15) dBA for a total of one and one-half (1.5) minutes in any one (1) hour period.

**Pitt County, North Carolina**

Regulates crypto mines as a special land use under the umbrella term "data processing facility" but specifically names crypto in the definition.

**Data Processing Facility (Large Scale):** A building, dedicated space within a building, or group of structures located on one or more acres of land used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. May also be referred to as a "Data Center". This definition shall not apply to smaller data processing facilities that are located on less than one acre of land and where such facilities are accessory or incidental to another primary use

Data Processing Facility (Large Scale)

1. Where Required

RA, GC, HC, LI, and GI districts. Must be approved as a Conditional Zoning District in accordance with Section 14(G) of this Ordinance.

2. Height



Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.

3. Use Separation

All equipment and structures shall be a minimum of fifty feet from the boundary of the facility as delineated on the site plan, and one-quarter mile (1,320 feet) from any church, school, or residence.

4. Submittal Requirements

- a. A narrative describing the proposed data processing facility including an overview of the project;
- b. A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one-quarter mile (1,320 feet) of the perimeter of the facility;
- c. A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;
- d. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Pitt County to ensure compliance with this Article; and
- e. Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner).

5. Structural Requirements

- a. The facility shall meet all requirements of the North Carolina State Building Code.
- b. Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

6. Access

All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Pitt County Fire Marshal.

7. Security Fencing

Security fencing, a minimum of eight feet in height, shall be provided along the entire perimeter of the facility.

8. Screening

The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The buffer yard shall comply with the requirements of Section 10(H).

9. Utility Notification

No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.

10. Signage

No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

11. Noise

The amount of noise generated by the facility shall comply with the requirements of the Pitt County Noise Ordinance and shall not disrupt the activities of the adjacent land uses.

12. Abandonment

It is the responsibility of the owner to notify Pitt County and to remove all obsolete or unused systems. Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the County may require the owner to remove such structures and equipment within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

**Jonesborough, Tennessee**

Established a zoning district in which cryptocurrency mines can be located.

**Cryptocurrency:** A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank. Bitcoin is the most common example of cryptocurrency.

**Cryptocurrency Mining:** The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

**Cryptocurrency Mining District.**

It is the intent of this district to establish areas which, unless closely regulated, might cause a detrimental effect upon and be injurious to the resources, development, and the health, safety, and welfare surrounding areas of Washington County as a whole. This district is created, therefore, to allow for cryptocurrency mining as type of industry that is inconsistent with the comprehensive plan of Washington County if not restricted to a specific area that promotes conformance.

**Cryptocurrency Mining Facilities.**

1. Any use permitted in the M-1 Industrial and/or M-2 High Impact Use.
2. The site shall be located in the Washington County Industrial Park and shall not be less than 5 acres in size and shall not be located adjacent to a residential district.
3. A Type 3(a) (*essentially a 25' greenbelt with plantings*) Transitional Yard shall be required unless abutting industrial and/or mining districts. A sound limit emitted from the operation as measured at the property lines shall not exceed 60 decibels.
4. Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by a licensed electronic waste recycling firm.
5. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited. Specialty noise-reducing structures purposefully designed to accommodate the operation may be utilized so long as the operations shall also be conducted entirely within an enclosed noise-reducing fence, screen, or wall, excepting driveway areas a maximum of 24 feet wide, to contain and conceal business operations.
6. Prior to issuance of a permit, the applicant shall provide written verification from the public electric utility provider that the utility provider has calculated the potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized and can safely accommodate the proposed use.



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



ACE  
CIVIL ENGINEERING, LLC

March 02, 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:


Based on public comment received at the public hearing held on Tuesday February 28, 2023 for the proposed re-zoning change for the Mitch Harris property identified as Tax I.D. Parcels 4710-02-400-014,016,017 & 018, The Mitch Harris Building Company would be agreeable to placing a condition on the re-zoning as follows:

#1 The property being re-zoned will not use a general private or public roadway connection through the existing Meadows Condominium project along Spirea Lane.

#2 If a connection through Spirea Lane is required by the governing fire authority, it will be set up with a gate that is controlled by the fire authority and will not be open for the use of the general public.

We believe that the above condition will address a significant number of the comments that were raised at the public hearing and will help in developing the property in a safe manner. We look forward to seeing you at the next planning commission meeting and would ask that you recommend the re-zoning request with the attached condition.

Sincerely,

ACE CIVIL ENGINEERING, LLC

Patrick C. Keough, P.E.  
President



**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.

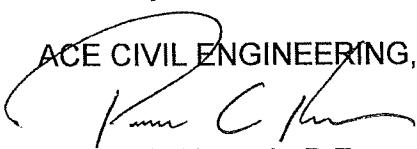


- #3 With the recent Pandemic and advanced software technology that allows more and more people to work and shop from home, the need for retail box stores is dimensioning. As a result there is already a fair amount of retail type properties in the Howell, Brighton and Latson corridor area that are currently 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.

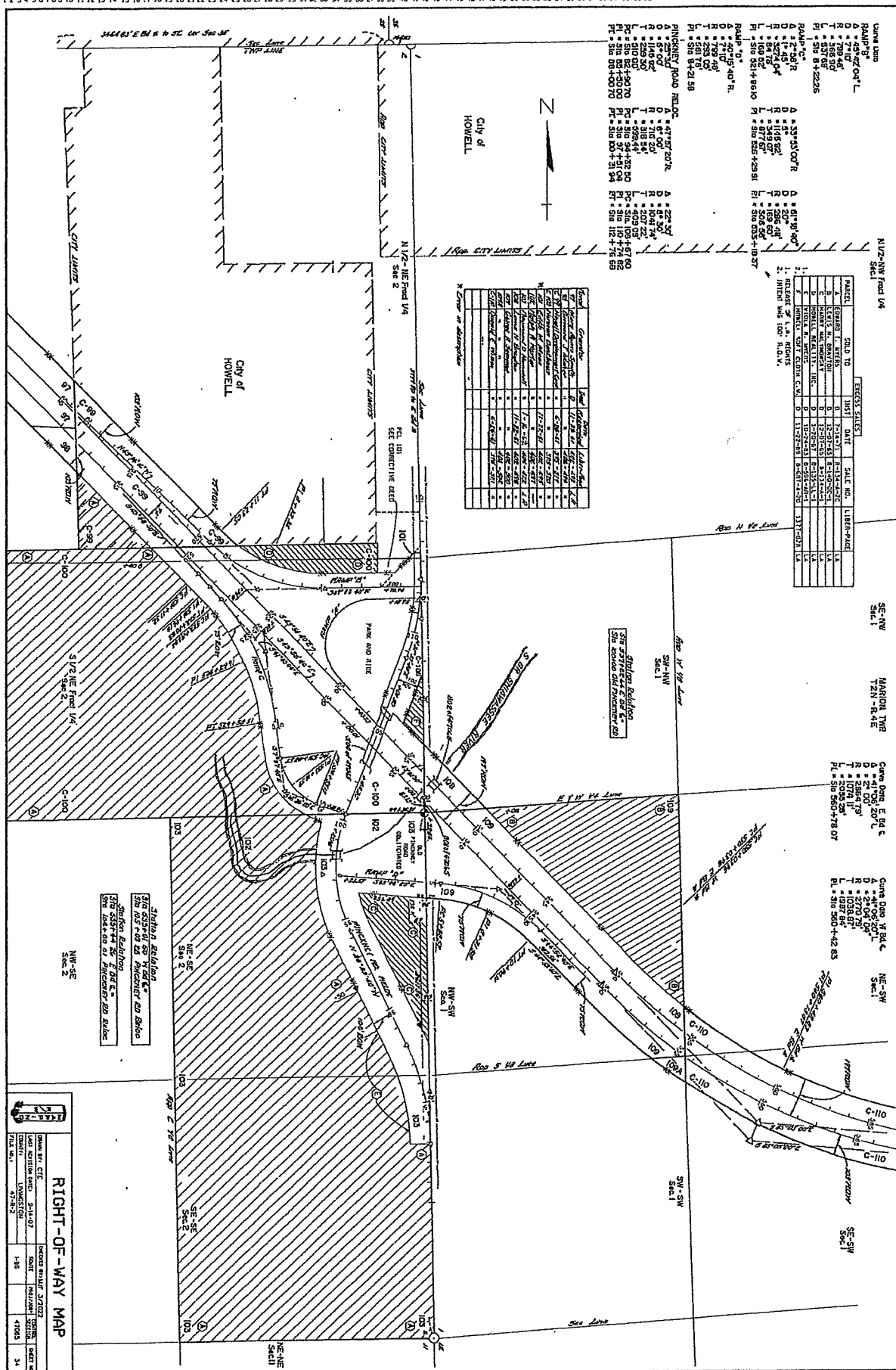
We look forward to discussing the information with you in detail at a future planning commission meeting.

Sincerely,

ACE CIVIL ENGINEERING, LLC



Patrick C. Keough, P.E.  
President





Patrick Keough <acecivillc@gmail.com>

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## PROPOSE MEADOWS NORTH CONDOMINIUMS MARION TOWNSHIP

3 messages

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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

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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 <acecivillc@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](mailto:abuse@michigan.gov)**

[Quoted text hidden]

**3 attachments**



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



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



**sheet034.pdf**  
209K

**Patrick Keough** <acecivillc@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: [acecivillc@gmail.com](mailto:acecivillc@gmail.com)  
Office Phone: 517-545-4141  
Cell Phone: 517-404-0786



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





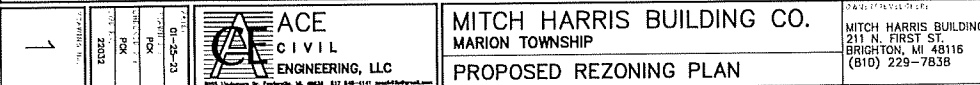
LEGAL DESCRIPTION: OVERALL PARCEL:

[illegible]

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

MITCH HARRIS BUILDING COMPANY

CANE TABLE					
SWAY	LENGTH	MOIST	MLT. NODS	PODS SECTED	PODS LENGTH
1	56.08	53.05	12.47/17.17	12.77/17.17	14.15
2	56.47	53.05	12.47/17.17	12.77/17.17	14.65
3	56.47	53.05	12.47/17.17	12.77/17.17	14.65
4	57.13	53.05	12.47/17.17	12.77/17.17	14.65
5	57.13	53.05	12.47/17.17	12.77/17.17	14.65
6	56.83	53.05	12.47/17.17	12.77/17.17	14.65
7	56.83	53.05	12.47/17.17	12.77/17.17	14.65
8	56.83	53.05	12.47/17.17	12.77/17.17	14.65
9	57.45	53.05	12.47/17.17	12.77/17.17	14.65





**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

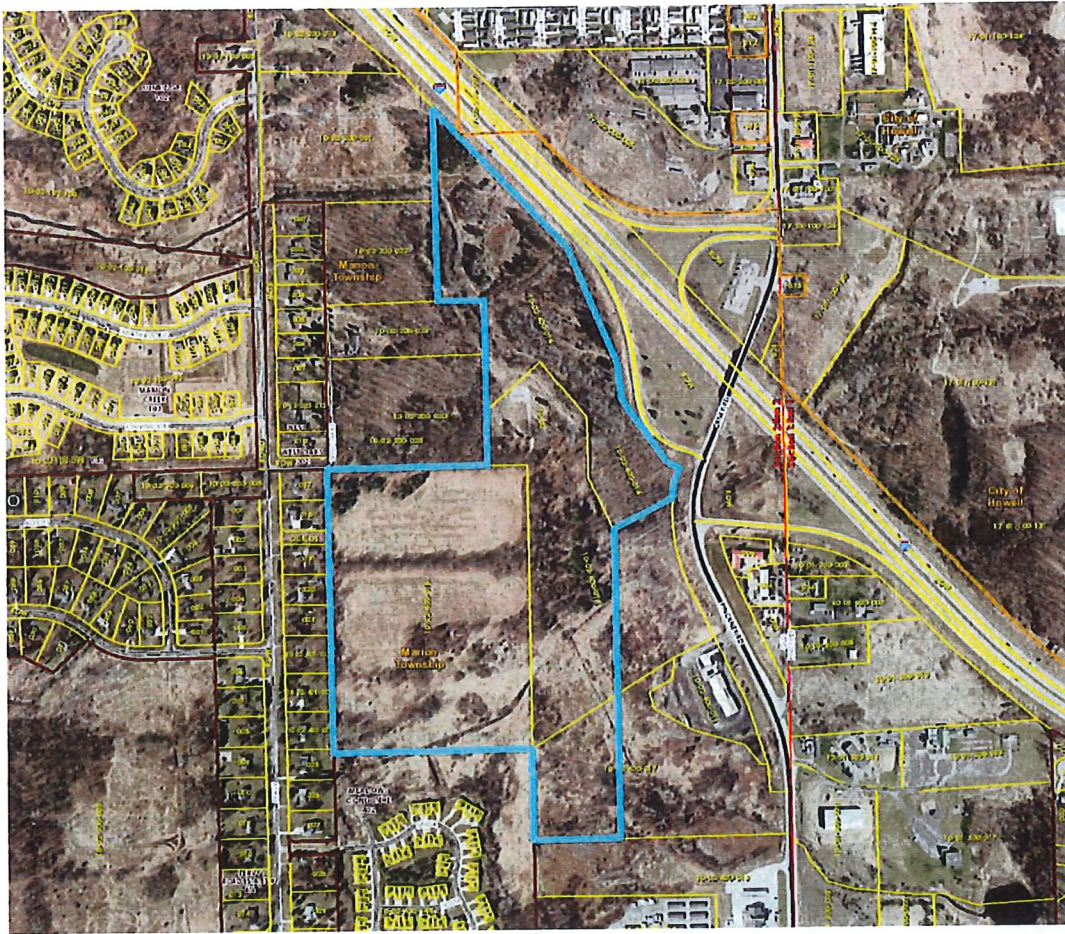
Parcel Number: 10-02-400-014/016/017/018

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.

<b>Current Zoning</b>	<p><b>HS Highway Service</b></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><b>SR Suburban Residential</b></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>
<b>Proposed Zoning</b>	<p><b>UR Urban Residential</b></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

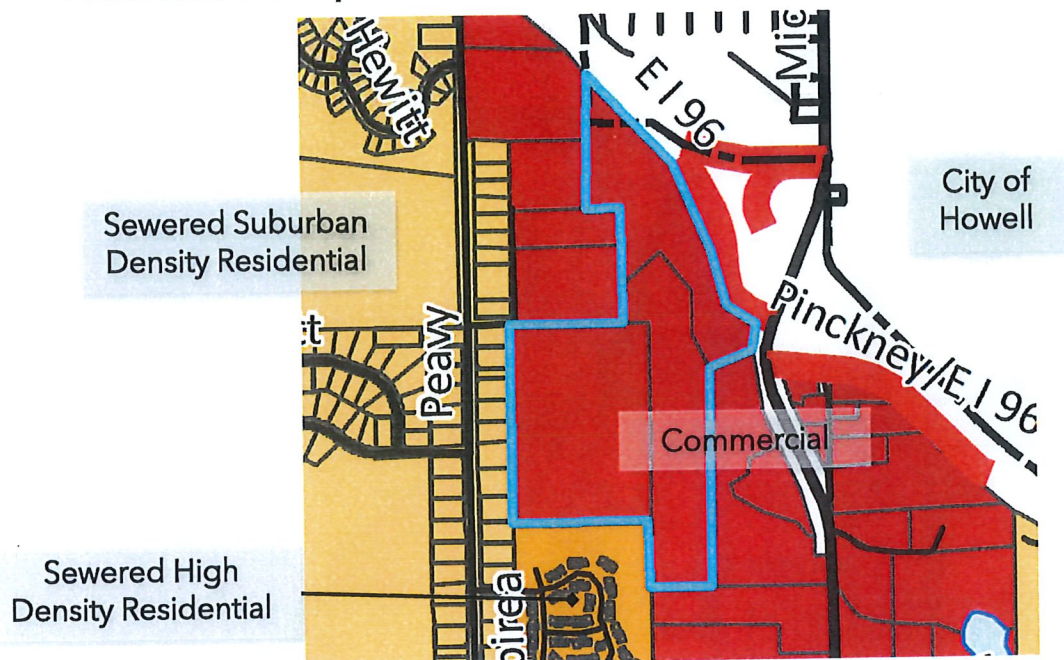
## FUTURE LAND USE MAP

The site is within the Commercial area.

<b>Future Land Use</b>	<p><b>Commercial</b></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><b>Corresponding Zoning District:</b>  HS Highway Service</p>
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### Future Land Use Map



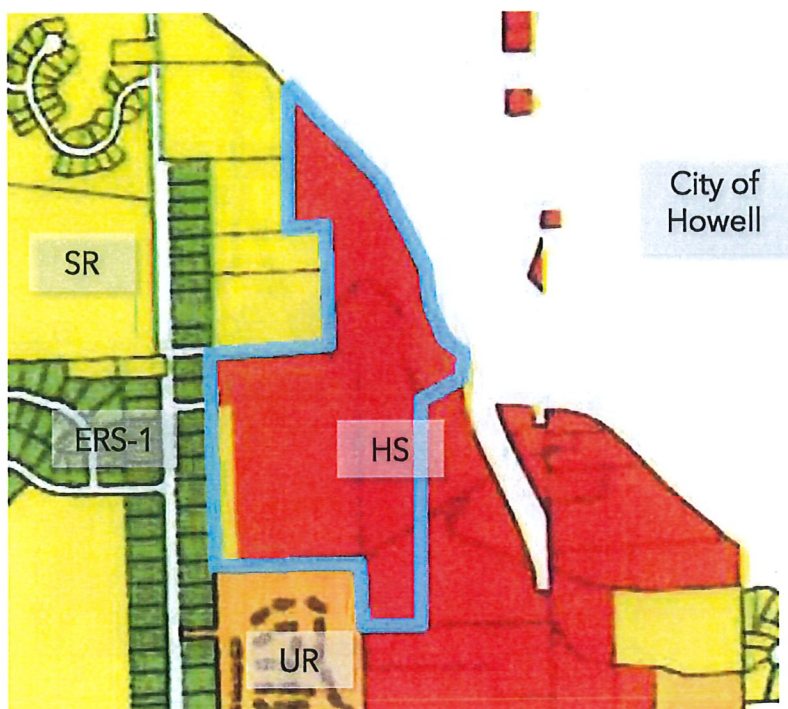
### SURROUNDING PROPERTIES

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.

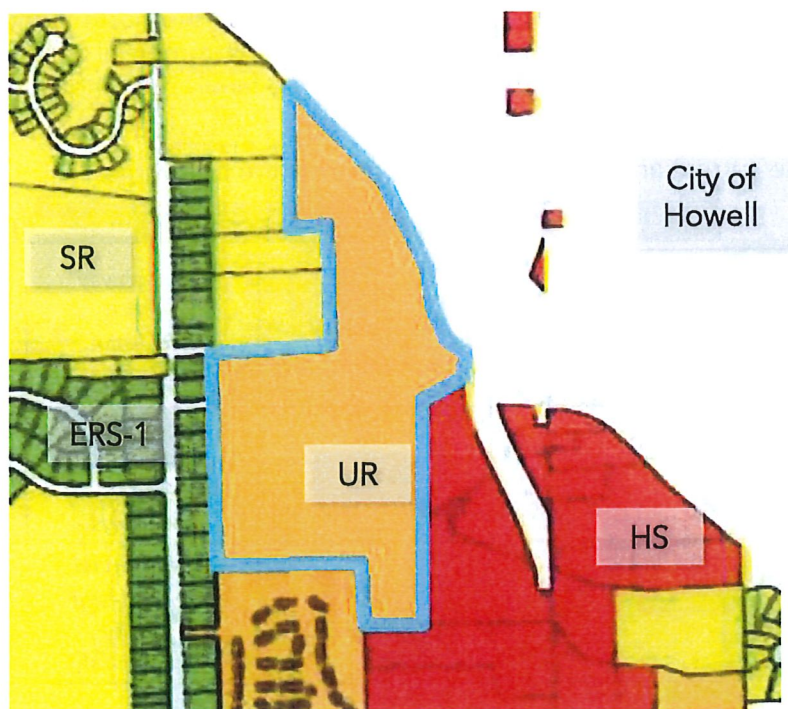
Maps showing the current and proposed zoning districts are below.

	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?**

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**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?**

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**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?

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**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?

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**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?

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**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

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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.

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**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	6/11/98
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	2/11/99
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	24.31 acres	8/27/2002	1/9/2002
Z-74-02	Mitch Harris	Service			
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				



## ORDINANCE NO.37

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 MARION TOWNSHIP BOARD OF TRUSTEES ORDAINS:

#### SECTION 1: Findings and Declaration of Purpose

The Board of Trustees finds that:

(1) Marion Township is a desirable place to live, work and visit in large part because of the availability of farmland and the relief that agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.

(2) 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. These resources include several thousand acres of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.

(3) Marion Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, its attractive landscapes and its excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.

(4) The agricultural industry in Marion Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmer's markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Marion Township.

(5) It is the policy of the State of Michigan and Marion Township to protect, preserve and enhance agricultural lands as evidenced by the Township General Development Plan, the Township Zoning Act, MCLA 125.271 *et seq.* and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not been effective in providing long-term protection of farmland under the pressure of increasing residential development.

(6) Agriculture in Marion Township produces a notable array of products, from corn and soybeans to vegetables and fruit to cattle. The Township's agricultural acreage contributes tens of thousands of dollars to the local economy in direct sales of agricultural products at the farm gate.

(7) Generally, farmland which is close to urban centers has a greater market value for future residential development than its market value for farming or open space. Prime agricultural land often has the same features (such as perkable soils) that are components of

desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(8) The permanent acquisition of voluntarily offered interests in farmland within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural use near developing urban areas and provide long-term protection for the public interests which are served by farmland in the Township.

(9) Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use.

(10) The acquisition of interests in farmland as provided in this Ordinance is a public purpose of Marion Township as provided in this Ordinance and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.

(11) This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL 125.301 B 125.303.

## SECTION 2: Definitions

(1) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses.

(2) "Agricultural Use" means 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.

(3) "Chairperson" means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.

(4) "Board of Trustees" means the Marion Township Board of Trustees.

(5) "Development" means an activity which materially alters or affects the existing conditions or use of any land.

(6) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

(7) "Development Rights Easement" means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.

(8) "Eligible Land" means farmland for which the purchase of "development rights easements" with tax funds and other monetary sources are authorized pursuant to this Ordinance.

(9) "Farmland" means those lands shown in the Township Master Plan as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

(10) "Farmland Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.

(11) "Full Ownership" means fee simple ownership.

(12) "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

(13) "Owner" means the party or parties having the fee simple interest in land.

(14) "Parcel" means all property under a single ownership that is included in the application.

(15) "Permitted Use" means any use contained within a development rights easement essential to the farming.

(16) "Supervisor" means the Marion Township Supervisor.

(17) "Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.

### SECTION 3: Authorization

(1) The Board of Trustees is hereby authorized to expend funds to acquire property interests in the farmland described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The funds shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.

(3) The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition of interests in eligible lands.

(4) The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or consultants that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" by the Land Trust Alliance.

### SECTION 4: Eligible Lands and Priority of Acquisition

Funds shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

Voluntary application by the property owner and those lands shown in the Township Master Plan as being zoned for agricultural uses, or as rural residential where agriculture is practiced on larger parcels, as adopted and amended from time to time by the Township Planning Commission.

Criteria for Selection:

The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round to purchase development rights on all eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize farm sites for the purchase of conservation easements. It is the intention of the users of this system to direct efforts toward high quality farmland in areas of the Township where its preservation is most appropriate.

Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future. Areas targeted for preservation are those lands shown in the Township General Development Plans as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections as follows. The maximum point value is 100, with some additional points possible in the event of a tie.

PART	TOTAL POINTS
I – Characteristics of the Land	44
II – Stewardship of the Land	18
III – Context	12
IV – Acquisition Considerations	26

PRIORITIES. The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

## PART I

### CHARACTERISTICS OF THE LAND MAXIMUM POINTS = 44

#### A. Type of Agricultural Land

Multiply the percentage of the nominated parcel featuring prime, unique or locally important agricultural soils by 20.

#### B. Size of Parcel Offered for Development Rights Purchase

Acreage	Score
>80 acres	8
40-80 acres	5
<40 acres	2

#### C. Proximity to Protected Land

Distance	Score
Adjacent	8
One mile or less	5
More than one mile	2

#### D. Farm Buildings

Buildings	Score
Usable, functional farm buildings on site	4

E. Amount of Road Frontage

Frontage	Score
1,000 feet or more	4
500 to 999 feet	2

PART II

STEWARDSHIP OF THE LAND  
MAXIMUM POINTS = 18

A. Conservation Plans

Extent of Conservation Plan	Score
Conservation plan fully implemented or conservation practices used to the fullest extent necessary	8
Conservation plan partially implemented or some practices used	4

B. Commitment to Farming

Enrollment in P.A. 116 or Duration of Ownership	Score
Farm is enrolled in P.A. 116 <u>and</u> land has been in the same ownership for at least 50 years	10
Farm is enrolled in P.A. 116 <u>or</u> has been in the same ownership for at least 50 years	6



PART III  
CONTEXT  
MAXIMUM POINTS = 12

A. Current Adjacent Zoning Classification

Percent of Perimeter in Agricultural Zoning	Score
90% or more	4
50-89%	2
<50%	1

B. Current Adjacent Land Use

Percent of Perimeter in Agricultural Use	Score
90% or more	4
50-89%	2
<50%	1

C. Groundwater Recharge Area

Percent of Property Serving as Groundwater Recharge	Score
>75%	4
50-75%	2
<50%	1

## PART IV

### ACQUISITION CONSIDERATIONS MAXIMUM POINTS = 26

#### A. Matching Funds

Percent of Appraised Value	Score
>50%	16
20-50%	10
<20% (but >0)	5

#### B. Landowner Donation

Percent of Appraised Value	Score
>20%	10
10-20%	6
<10% (but >0)	2

#### SECTION 5: Farmland Preservation Board

(1) A five-member Farmland Preservation Board (the "Preservation Board") shall be appointed by the Board of Trustees. The Board of Trustees shall seek the names of nominees for the Preservation Board by the means usually employed for other boards and commissions. The Preservation Board shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a majority of Preservation Board members.

(2) The Preservation Board shall consist of residents of the Township. The Preservation Board shall include a representative of the Township Board of Trustees, a natural resources professional, a citizen and two representatives who own agricultural land or operate agricultural businesses. The Board of Trustees may appoint ex-officio members.

(3) The Preservation Board may consult experts as it may desire and the Board of Trustees may appropriate funds for that purpose.

(4) Members shall serve three-year terms, except that the initial term of three members shall be three years and terms of two members shall be two years. Members may be removed by the Board of Trustees for good cause as determined by the Board of Trustees. Members shall not be compensated for their services but shall be reimbursed for expenses

actually incurred in the performance of their duties. Members may be reappointed to successive terms.

(5) No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

#### SECTION 6: Selection

The Farmland Preservation Board shall conduct a voluntary property selection process (herein called the "Selection Round") generally as follows:

(1) In each selection round the development rights on all eligible land properties shall be eligible for purchase. In all selection rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

a. The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.

b. In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.

c. The Preservation Board may receive and act on appeals of any factual nature by affected property owners.

(2) The Preservation Board shall begin each selection round by giving notice in one newspaper of general circulation in Marion Township. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to sell. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.

(3) Upon closing of the application period, the Preservation Board shall review each application received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.

(4) For those properties which meet the requirements of Section 4, the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(5) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.

(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.

(9) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.

(10) Once action to select properties for the purchase of development rights has been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the Owner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the Owner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

(11) Upon the completion of a purchase of development rights transaction, the Township assessor will be notified of the development rights purchase.

(12) Additional residential dwellings are not permitted on lands from which development rights have been purchased.

#### SECTION 7: Duration of Acquired Interests

(1) Development rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity. After 50 years have passed, however, the owner may make application to the Preservation Board that farmland described in this Ordinance has (a) become landlocked with non-agricultural uses, (b) farming is no longer feasible and (c) the release is for the public good. The Preservation Board evaluate the feasibility of farming by determining whether the land is no longer and never will be suitable for any kind of agriculture, with wooded land left fallow not necessarily to be considered unsuitable.

(2) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. The Board of Trustees must support the request by an owner to repurchase development rights by a five-member majority of the total seven Trustees.

(3) For those properties for which the Board of Trustees approves the return of development rights as specified in Subsection (1), the Preservation Board shall cause an appraisal of the applicant's property interest to be made at the owner's expense. Payment for this appraisal shall be made by the owner in advance. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(4) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands.

(5) Appraisals shall be in writing and shall be furnished to the respective owners



for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.

(6) At any time in this process, the owner may choose to withdraw the request for the return of development rights without penalty, while still being responsible for the Township's appraisal of the property as specified in Subsection (2).

(7) If the Board of Trustees approves the return of development rights, the Township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights, as determined by a State certified appraiser. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. If the Board of Trustees chooses to exercise this right of first refusal, an offer to purchase the remaining rights at the appraised value shall be submitted. Acquisition of lands shall not be made with funds authorized for development rights acquisition pursuant to this Ordinance. The owner may at that time choose to not sell the remaining rights and instead retain ownership of the property.

(8) If (a) a request to re-purchase development rights is denied by the Board of Trustees, or (b) the landowner chooses not to sell the remaining rights the Township chooses to exercise its right of first refusal or (c) more than a year passes from the Board of Trustees' authorization for the re-purchase of development rights, the landowner must wait five years before re-applying to re-purchase development rights.

(9) The Township may convey development rights acquired pursuant to this Ordinance to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development rights will be maintained.

#### SECTION 8: Related Costs

The costs of appraisal, easement development, baseline documentation, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township shall be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.

#### SECTION 9: Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The Farmland Preservation Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

#### SECTION 10: Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Marion Township.

SECTION 11: Development Rights Acquisition Fund

The funds for purchasing development rights on farmland shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Marion Township (here and after "Acquisition Fund"). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The funds and any interest received from the deposit or investment of such funds shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION 12: 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.

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Made and passed by the Board of Trustees of the Township of Marion, County of Livingston, State of Michigan, at a duly noticed Special Meeting of the Marion Township Board of Trustees on the XX day of XXXX, 2023.

## 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.

# ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH	ADOPTED
					Public Hear	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, RTE Nursery Only	2/27/18 10/22/19	2/28/20
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 Splits	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
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	<b>BOT in STD</b>	
TXT #02-18	XVII	17.04A & B	Automobile Repair Garage	Item #8 remove	<b>LCPD</b>	<b>2/8/19</b>
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	<b>8/27/19</b>	<b>3/13/20</b>
TXT #04-18	XVIII	18	Site Plan Requirements	move to Eng Stds and make all other changes	<b>BOT</b>	<b>7/1/20</b>
TXT #	VI	6.32	Solar Ordinance	Zoning Ordinance/GO/both or accessory structure?	<b>Dropped</b>	
TXT #	VI	6.02	Keeping of Animals	RTFA, what is enforceable? Setbacks only?	<b>?</b>	
TXT #01-19	XVII	17.xx	Short Term Rentals	beat to death, add definition and add to RR/SR UBW	<b>11/1/20</b>	<b>Pending</b>
TXT #02-19	XV	15.5,6	Signs for HO	chg to Home Based Business	<b>11/1/20</b>	<b>Pending</b>
TXT #01-20	XVIII	18	Site Plan cleanup	Section 6 and 18 changes	<b>11/1/20</b>	<b>Pending</b>
TXT #02-20	VI	6.07	Accessory Structures	Shipping Containers	<b>11/1/20</b>	<b>Pending</b>
TXT #03-20	XIII	13.04	PUD	move procedure to Standards	<b>12/6/20</b>	<b>Pending</b>
TXT #01-21	XVII,VI,+	17.19a,b, 6.2	Hobby Kennel dogs permitting	WIP	<b>12/20/2022</b>	

[illegible]