

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – April 28 2026
7:30 pm**

*Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MEMBERS' PRESENT

PUBLIC COMMENT

APPROVAL OF AGENDA *April 28, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR *March 24, 2026, Regular Meeting*

OLD BUSINESS

1. Discussion of Hyper Scale Data Center Ordinance Updates
2. Discussion on Chicken Ordinance
3. Discussion on Storage Container Ordinance Changes

NEW BUSINESS

CORRESPONDANCE AND UPDATES

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for May 26, 2026, at 7:30 PM

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the "Public Comment" part of the meeting agenda. 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. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The "Public Comment" is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire 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 about the NEW or UNFINISHED agenda item. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

Next Meeting is scheduled for May 26, 2026, at 7:30 PM

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 24, 2026 / 7:30PM**

PC MEMBERS PRESENT: JIM ANDERSON – *CHAIRPERSON*
LARRY FILLINGER – *VICE CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
SCOTT LLOYD
BRUCE POWELSON

PC MEMBERS ABSENT: NONE

OTHERS PRESENT: SCOTT RICHARDSON – *ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER:

Jim Anderson called the meeting to order at 7:30 pm.

MEMBERS PRESENT:

All Planning Commissioners are present.

PUBLIC COMMENT:

Cheryl Range made a comment about the water level in her pond.

APPROVAL OF MARCH 24, 2026 AGENDA:

Larry Fillinger requested to remove the agenda item "Election Officers 2026" from the agenda. Larry Fillinger made a motion to approve the March 24, 2026 agenda as amended. Cheryl Range seconded. **5-0 MOTION CARRIED**

APPROVAL OF FEBRUARY 24, 2026 MINUTES:

Larry Fillinger made a motion to approve the February 24, 2026 Planning Commission minutes as presented. Cheryl Range seconded. **5-0 MOTION CARRIED**

OLD BUSINESS:

1) ACTION ON PLANNING COMMISSION BYLAWS

Larry Fillinger suggested a correction on page 3 and to replace the term "Call to Public" with "Public Comment" throughout the Bylaws and Public Comment policy. Scott Richardson will make these adjustments and bring a fresh copy to the April 28th Planning Commission meeting.

2) DISCUSSION OF HYPER SCALE DATA CENTER ORDINANCE UPDATES

Zach Michels suggested requiring two separate special use permits: One SUP for Data Centers that are requesting the use of solar panels to power the data plant and one SUP for the Data Center. Zach also made the following suggestions:

- Allowing Data Centers to have berms and fences.
- Add a section on decommissioning
- Add a section on emergency response

DRAFT

- Add language on security

The Commissioners agreed with Zach. Zach will create this language and have it for the April 28th Planning Commission meeting.

3) DISCUSSION ON CHICKEN ORDINANCE

Commissioners discussed the terms “poultry” versus “chicken”. Jim Anderson distributed his notes on the language Zach Michels created for the Township’s chicken ordinance. Jim Anderson reviewed his suggestions with the Commissioners.

Larry Fillinger made a motion to postpone approval of these changes until the Commissioners have time to review the document that was distributed during the meeting. Bruce Powelson seconded. **5-0 MOTION CARRIED**

The Planning Commissioners agreed to set a Public Hearing for May, with the assumption they will approve the language in April if they agree on all the changes.

Scott Lloyd made a motion to set a Public Hearing on May 26, 2026 at 7:30pm for Marion Township’s Chicken ordinance. Larry Fillinger seconded.

Roll Call: Powelson: NO; Range: YES; Fillinger: YES; Anderson: YES; Lloyd: YES **4-1 MOTION CARRIED**

4) ACTION ON DEFINITION CHANGE FOR WILD ANIMALS

Bruce Powelson made a motion to postpone discussion on this agenda item until the April 28, 2026 Planning Commission meeting. Larry Fillinger seconded. **5-0 MOTION CARRIED**

5) UPDATE ON RFQ FOR NEW ZONING ORDINANCE

Scott Richardson provided an update on the RFQ bids received for the Township’s new zoning ordinance.

NEW BUSINESS:

None

CORRESPONDENCE AND UPDATES:

Scott Richardson reminded Commissioners of the MTA meeting about Data Centers on Monday, March 30th at 6pm here at the Township.

Zach Michels discussed some of the newly proposed bills at the State level.

PUBLIC COMMENT:

Les Andersen commented on Data Centers.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the Planning Commission meeting at 9:10pm. Larry Fillinger seconded.

5-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

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MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
DATA CENTERS

5 An amendment to the Marion Township Zoning Ordinance to amend definitions related to data centers; amend uses permitted by special use permit; amend standards for data centers; and amend the table of contents accordingly.

10 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED THE FOLLOWING DATA CENTER DEFINITION, WHICH SHALL READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

15 A facility used primarily for the storage, management, process, or transmission of digital data that may include computer or network equipment, systems, servers, appliances, or other components related to digital data operations. The use may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

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SECTION 8.01(E)(22) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

25 Data centers

SECTION 10.01(D)(5) OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

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Data centers

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SECTION 17.36 DATA CENTER OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

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The intent and purpose of this section is to establish standards for the siting, installation, operation, decommissioning, and removal of Data Centers and related accessory uses; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; ensure compatibility with land uses in the surrounding area; ensure adequate capacity for public services and infrastructure for Data Centers and the community; and protect and preserve the existing and desired rural character of the community.

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Data Centers are subject to the locational requirements below.

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1. Wellhead Protection: Data Centers shall not be located within a wellhead protection area.
2. Spacing: Data Centers shall be at least two thousand five hundred (2,500) feet from any existing or approved Data Center, including ones in adjacent communities.
3. Electrical: The site shall be located within one (1) mile of an existing high-voltage electrical transmission corridor.

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Data Center sites shall meet the site standards below.

1. Site Composition: The site shall consist of a single parcel. When a site crosses a road or is otherwise unable to be combined into a single parcel, all parcels shall be owned and controlled by a single entity.
2. Lot Area: The site shall have a total net lot area of at least ten (10) acres and a maximum of one thousand (1,000) acres.

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3. Access: The site shall have direct access from a paved county road.

Data Centers shall have a landscape buffer outlined below in addition to what is required in Section 6.13 Landscaping, Fencing, Walls and Screening. In case of a conflict, these standards below shall control.

- 5 1. Width: The buffer shall be at least one hundred (100) feet wide.
2. Berm: A berm at least fifteen (15) feet high shall be located within the landscape buffer.
3. Vegetation: The landscape buffer shall be vegetated as described below.
 - 10 a. Shade Trees: There shall be a shade tree for every seventy-five (75) feet of exterior frontage or fraction thereof. Trees shall have a caliper of at least two point five (2.5) feet at the time of planting. A maximum of ten (10) percent of shade trees can be from a single species.
 - 15 b. Evergreen Trees: Evergreens shall be planted fifteen (15) feet apart in two (2) staggered rows spaced fifteen (15) feet apart. Trees shall have a height of at least six (6) feet at the time of planting. A maximum of fifteen (15) percent of evergreen trees can be from a single species.
4. Modification: The Planning Commission can recommend and the Township Board can approve a modification of these buffering standards upon making a finding that the following are true:
 - 20 a. The proposed modification would provide equal or better screening to adjacent properties;
 - b. The proposed modification is necessary to protect or preserve existing vegetation;
 - 25 c. The proposed modification is necessary for environmental reasons;
 - d. The proposed modification is the minimum necessary.
5. Maintenance: Good arboricultural techniques shall be followed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum foliage density. Dead or diseased vegetation shall be removed and must be replaced in a manner consistent with these standards at the next appropriate planting season.
 - 30 a. Annual Inspection: Data Centers will be inspected on at least an annual basis to ensure continued compliance with these buffering requirements.
 - 35 b. Violation: A confirmed violation of the buffering requirements must be corrected within thirty (30) days of receiving notice or the next planting season. If a violation is not corrected, the Township may enter the property and use the performance guarantee to take corrective action. This does not preclude any other legal remedy or penalty.

40 In addition to the general standards of this Ordinance, Data Centers shall meet the performance standards below.

1. Setbacks: Buildings shall be setback at least one hundred (100) feet from lot lines and at least two hundred fifty (250) feet from adjacent residential dwellings, schools, and religious institutions.
2. Building Height: Buildings shall have a maximum height of twenty-nine (29) feet.
- 5 3. Building Coverage: Maximum building coverage is forty (40) percent of the net lot area.
4. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic field are not permitted.
5. Cooling: Cooling systems serving Data Centers shall be closed loop.
- 10 6. Power Generation: Routine or primary power generation is prohibited, except where expressly permitted. Emergency backup generators are permitted subject to the standards below.
 - a. Use: Except for testing, exercise, or commissioning activities, generator use is limited to emergency backup use only.
 - 15 b. Summer: Generator testing, exercise, and commissioning is limited to the hours between 5:00 pm and 7:00 pm between May 1st and April 30th.
 - c. Winter: Generator testing, exercise, and commissioning is limited to the hours between 11:00 am and 5:00 pm between October 1st and April 20th.
- 20 7. Buildings: Buildings associated with Data Centers shall meet the design standards below.
 - a. Façade Materials: Façades visible from off-site shall be have at least fifty (50) percent of their surface area clad in face brick and at least ten (10) percent of their surface clad in glass. Spandrel glass does not qualify.
 - 25 b. Roof: Buildings with a lot coverage of more than fifty thousand (50,000) square feet shall have a roof with white or lot colors, planted green roof, or solar panels.
 - c. Mechanical Equipment: Roof-mounted mechanical equipment shall be fully screened to the height of the equipment.
 - 30 d. Loading Bays: Loading bays shall only be located along one façade per building and shall not be on the front façade.
8. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.
 - a. Intensity: The maximum illumination level anywhere within the site shall be ten (10) footcandles.
 - 35 b. Height: Building and pole-mounted light fixtures shall have a maximum height of eighteen (18) feet.
 - c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to lighting needed for

construction or emergency service, lighting required for building code, or motion activated lighting required for safety or security.

d. Color Temperature: Lighting shall have a maximum color temperature of 2800K.

5 9. Security: Data Centers shall provide the security below.

a. Perimeter Fencing: The Data Center site shall have fencing around the facility to prevent unauthorized access and to screen the facility.

1) Height: The fence shall be between seven (7) feet and eight (8) tall.

10 2) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

15 3) Fence Type: Fences visible outside the vegetative buffer shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening. Fences not visible outside the vegetative buffer may be opaque wood, metal, or masonry or chain-link.

4) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

20 5) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

25 b. Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

1) Gate Type: Gates shall be the same height and constructed of the same material as the fencing, unless otherwise approved.

2) Emergency Access: Access, such as Knox box, access codes, or emergency siren activation, shall be provided for emergency responders.

30 3) Gate House: Gate houses with around the clock staffing may be required if determined necessary to provide appropriate safety for and access to the Data Center site.

10. Sound: The sound generated by a Data Center must meet the sound standards of this Ordinance and the additional standards below.

35 a. Day Sound Level: The maximum sound level shall be forty (40) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.

- b. Night Sound Level: The maximum sound level shall be thirty-five (35) Dba Lmax, as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.
 - 5 c. Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) Dba.
 - d. Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) Dba.
 - 10 e. Continued Compliance: The sound level by a Data Center must be inspected every three (3) years, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
11. Utility Substations: Utility substations shall be located within the landscape buffer and shall be at least two hundred fifty (250) feet from any adjacent residential dwelling, school, or religious institution.
- 15 12. Wildlife: Data Centers shall be designed, sited, and operated in a manner to minimize impact on wildlife.
- 20 a. Wildlife Impact Analysis: An analysis to identify and assess any potential impacts on wildlife and endangered species shall be prepared by a qualified third-party professional acceptable to the Township. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
 - 25 b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - 30 c. Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
 - 35 d. US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 40 13. Environment: Data Centers shall be designed, sited, and operated to minimize impact on the environment.
- a. Environmental Impact Analysis: An analysis to identify and assess any potential impacts on the natural environment including, but not limited to,

wetlands and other fragile ecosystems, shall be prepared by a qualified third-party professional acceptable to the Township.

- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - c. Site Preservation: Areas of the site not required for development shall be preserved in their natural condition. Areas to be developed for future phases shall remain in their natural condition until that phase is developed.
 - d. Environmental Laws: Data Centers shall comply with applicable parts of the Michigan Natural Resources and Environmental protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324030301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
 - e. Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.
 - f. Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.
 - g. Responsibility: The Data Center owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the facility.
14. Emergency Action Plan: Data Centers shall have an emergency action plan to identify actions to be taken in event of an emergency.
- a. Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.
 - b. Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that is required for emergency response to Data Center.
 - c. Clean-up: The Emergency Action Plan must include plans for immediate cleanup and long-term aftermath efforts following an emergency.
 - d. Emergency Training: Before the Data Center is operational, it must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township or other emergency personnel. All training must be consistent with current industry standards.
 - e. Public Record: The Emergency Action Plan will be a public record.

Data Centers are subject to the general provisions below.

1. Damage Repair: The owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, or infrastructure damaged by the construction, use, or maintenance of, or damage to the Data Center.
- 5 2. Mixed Facilities: Data Centers may be co-located with renewable energy facilities, provided the renewable energy facility is intended primarily to serve the Data Center. Review and approval are required for each use.
- 10 3. Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.
- 15 4. Transfer or Sale: In the event of a transfer or sale of a Data Center, the new owner or operator must do the following.
 - 15 a. Notify: The new owner or operator must notify the Township within thirty (30) days of the transfer or sale. The zoning administrator shall administratively amend the permit to name the new owner or operator;
 - 20 b. Site Improvements: The Zoning Administrator will inspect the site and provide notification of any deviations or violations of the approved site plan, special use permit, or this Ordinance. Corrections shall be made within forty-five (45) days or the next planting season for landscape corrections; and
 - 25 c. Decommissioning Performance Guarantee: Estimated costs of decommissioning and restoration shall be recalculated, and the performance guarantee shall be adjusted accordingly. The performance guarantee shall be transferred to the new owner or operator.
5. Phasing: Data Centers may be constructed in phases as described below.
 - 30 a. Description: The site plan and narrative must provide a description of the proposed phasing, including phasing lines.
 - b. Period: All phases must be completed within six (6) years of final site plan approval.
 - c. Completion: All buffering, security, and infrastructure improvements must be completed as part of the first phase.

The site shall be
decommissioned and restored following the operational life or abandonment of the
35 Data Center

1. Decommissioning Plan: A Decommissioning Plan shall be prepared by a qualified third-party professional acceptable to the Township.
 - a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.

b. Decommissioning Costs: The Decommissioning Plan shall provide a probable cost estimate for decommissioning, including current cost and cost at the time of decommissioning.

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c. How Paid: The Decommissioning Plan shall provide a description of how decommissioning costs will be paid.

d. Regular Updating: The Decommissioning Plan shall be updated on a regular, period of at least once every three (3) years. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.

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2. Decommissioning Performance Guarantee: A performance guarantee for decommissioning and restoration of the Data Center shall be provided before construction commences and shall be held until confirmation that the site has been fully restored.

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a. Value: The performance guarantee shall be equal to one hundred twenty-five (125) percent of the cost to remove and restore the Data Center as determined in the Decommissioning Plan.

b. Form: The performance guarantee shall be in the form of cash deposited with the Township or an irrevocable letter of credit naming the Township as the beneficiary. A surety bond is not acceptable.

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3. Abandonment: Data Centers that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed and restored or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
4. Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
5. Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
6. Land Balancing: If land balancing is required, all topsoil will be saved and spread evenly over the balanced area.
7. Township Action: The Township may remove any abandoned or unsafe Data Center structures or components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.
8. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal or restoration.
9. Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.
10. Disposal: All structures, equipment, and waste shall be removed from the site and disposed of properly.
11. Modification: The Planning Commission can recommend and the Township Board can approve modifications to a previously approved Decommissioning Plan upon finding that the modification better preserves the public health, safety, and welfare of the community.

In addition to information required for site plan and special use permit applications, applications for Data Centers must submit the following additional information with the special use permit application.

1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners and any additional contact information shall be submitted.

- 2. Proof of Ownership or Control: Copies recorded deeds, purchase agreements, leases, or similar documents for properties within the Data Center that confirm the applicant has control of the property or the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Data Center.
- 3. Project Description: A general description of the proposed project and an anticipated construction schedule shall be submitted.
- 4. Conceptual Plan: A graphical computer-generated depiction of how the Data Center will appear from all directions shall be submitted.
- 5. Documentation: A complete set of photos and video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.
- 6. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Data Center Facility shall be submitted.
- 7. Road Agencies: Proof of approval or conditional approval by any road agency from which the Data Center will have access or whose roads will be used as a construction or maintenance route shall be submitted.
- 8. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Data Center that has participating properties with a county drain or proposes improvements within a county drain easement.
- 9. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.
- 10. Environmental Impact: A copy of the environmental impact analysis shall be submitted.
- 11. Complaint Resolution Protocol: A copy of complaint resolution protocol shall be submitted.
- 12. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.
- 13. Emergency Action Plan: A copy of the Emergency Action plan shall be submitted.
- 14. Right-to-Enter: Submission of an application for a Data Center grants the Township and its agents the right to enter the facility and any participating property for inspection of the Utility-Scale Solar Energy Facility at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.
- 15. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.

SECTION 12A.08(N) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

5 *[Red, underlined text to be added. ~~Red, strikethrough~~ text to be deleted.]*

Data centers.

10 The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.

draft for PC review (04-20-2026)

Keeping of Chickens

Please find below a draft for keeping of chickens, based on ordinance language from Howell and Pinckney.

This would be a new police power ordinance, with some amendments noted in other ordinances.

This draft is intended to facilitate discussion and get guidance for future revisions.

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
KEEPING OF CHICKENS
GENERAL ORDINANCE NO. 26-XX

An ordinance regulating the keeping of chickens not associated with a commercial agriculture operation.

ARTICLE I: INTENT, PURPOSE, AND SHORT TITLE

1.1 Intent and Purpose

The intent and purpose of this ordinance is to:

1. Health, Safety, and Welfare: Protect and preserve the public health, safety, and welfare;
2. Nuisance: Mitigate potential nuisances that may arise from the keeping of chickens;
3. Character: Protect and preserve the existing and desired character of Marion's residential areas;
4. Standards: Establish standards for the keeping of chickens in residential areas;
5. Processes: Establish the processes for administration of this Ordinance; and
6. Enforcement: Establish authority for enforcement and penalties for violation of this Ordinance.

1.2 Short Title

This Ordinance shall be known as and may be cited and referred to as the "Marion Township Keeping of Chickens" General Ordinance No. 26-XX and shall hereinafter be referred to as Keeping of Chickens Ordinance.

ARTICLE II: SCOPE

The terms and provisions of this Ordinance shall apply to the keeping of chickens that are not associated with commercial agriculture operations.

ARTICLE III: DEFINITIONS

For construction and application of this Ordinance, the definitions below shall apply

- 3.1 **Chicken:** Common domesticated fowl (*Gallus gallus*) including all hens and egg-laying hens.
- 3.2 **Chicken Coop:** A small structure designed for the protection and occupation of chickens.
- 3.3 **Commercial Agriculture:** The use of land or structures for the growing or production of farm products for sale or offer of sale.
- 3.4 **Hen:** An adult female chicken.
- 3.5 **Rooster:** An adult male chicken older than three (3) months.
- 3.6 **Township Board:** The Marion Township Board.
- 3.7 **Zoning Administrator:** The Marion Township Zoning Administrator
- 3.8 **Adjacent Parcel:** Any parcel sharing any part of a property line or corner with the subject parcel proposed for keeping of chickens.
- 3.9 **Water Body:** A lake, river, stream, creek or pond.
- 3.10 **Private Water Well:** A water system designed to supply ground water to a single-family dwelling for drinking water and domestic water use of the single-family dwelling.
- 3.11 **Free-Range Chickens:** Chickens that are kept outdoors without containment or enclosures.
- 3.12 **Residential Parcel:** Any parcel that contains one single-family dwelling within a single structure and is used for residential purposes and it is not part of a commercial agriculture operation.

ARTICLE IV: STANDARDS

Keeping of chickens shall be subject to the standards outlined below.

- 4.1 **Permit:** A keeping of chicken permit, in good standing, is required for the keeping of animals.
- 4.2 **Principal Use:** The principal use of the subject parcel must be a single-family dwelling, as defined in the Marion Township Zoning Ordinance.
- 4.3 **Zoning Districts:** Keeping of chickens is allowed in the **XXX** zoning districts.
- 4.4 **Lot Area and Number of Chickens for Residential Parcels:** See table below;

Lot Area	Maximum Number of Chickens
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less than 1 acre	0
at least 1 acre but less than 2 acres	6
at least 2 acres but less than 3 acres	12
at least 3 acres but less than 4 acres	18
4 acres or more	12 per acre

- 4.5 **Roosters:** Roosters older than three (3) months are prohibited.
- 4.6 **Location:** Chickens shall be kept in the backyard, as defined in the Marion Township Zoning Ordinance. Chickens shall not be allowed in a residence, porch or attached garage.
- 4.7 **Fenced Enclosure:** Chickens must be kept within a fenced enclosure at all times. Fenced enclosures must be at least forty (40) feet from dwellings on adjacent properties. Fenced enclosures must be at least fifteen (15) feet from adjacent property lines and are subject other fence standards of the Marion Township Zoning Ordinance. The fenced enclosure shall be built to keep dogs, cats, and wildlife from gaining entry.
- 4.8 **Chicken Coop:** Chickens must be provided with a secure, well-ventilated, roofed, and lockable coop, located within the fenced enclosure. Chicken coops shall be at least fifteen (15) feet from adjacent property lines or the minimum side yard setback for the zoning district, whichever is larger, and are subject to other accessory buildings of the Marion Township Zoning Ordinance. The chicken coop should be constructed to allow a minimum of one square foot per chicken. The coop shall be built to keep dogs, cats, and wildlife from gaining entry.
- 4.9 **Sanitary:** Fenced enclosures and coops shall be maintained in a clean and sanitary condition at all times. Waste materials shall be disposed of in a sanitary manner, which may include bagging or composting, and not piled or otherwise stored on the subject parcel.
- 4.10 **Rodents:** All coops shall be constructed and maintained to prevent rats, mice, or other rodents from being harbored below, within, or within the walls of the coop.
- 4.11 **Feed:** Chicken feed shall be stored within a tightly-lidded rodent-proof container(s) in a shed, garage, or similar dry and protected storage area.

- 4.12 Maintenance:** All chickens shall be fed and watered on a daily basis. The buildup of flies and maggots shall be controlled by keeping litter and feed dry and promptly disposing of dead birds or waste eggs in a sanitary manner by bagging and disposing of the waste in the trash. Piling waste materials on the subject parcel is not acceptable.
- 4.13 Disease:** Any outbreak of a disease within the chicken population requiring treatment must be reported to the Township, Livingston County Health Department, and the Michigan Department of Agriculture immediately.
- 4.14 Water Protection:** Parcels raising and keeping of chickens located on a waterbody shall only be permitted on lots greater than two acres. Chickens shall be kept within a chicken coop and fenced enclosure which shall be located no nearer than 100 feet from any water body. This requirement shall not apply to a water body which is located entirely within the subject parcel and is not connected to any water body off the subject parcel.
- 4.15 Nuisance:** The chickens shall not become excessively noisy, odorous, dangerous, or in any way disruptive to the character of the area in which they are kept, or otherwise become a public nuisance.
- 4.16 Slaughter:** The slaughter of chickens is prohibited. This does not apply to the culling of chickens that may be necessary due to disease or poor health. An animal care program involving euthanasia of chickens should be made available at the time of application. Owners must bag and dispose of dead birds in the trash.
- 4.17 Sales:** The eggs produced by chickens shall not be made available for sale.
- 4.18 Adjacent Parcel:** For parcels less than three (3) acres, no permit shall be issued and no chickens shall be allowed to be kept unless the owners of all adjacent parcels consent in writing to the permit and this consent is presented along with an application for a permit to the Township Zoning Administrator.
- 4.19 Private Water Well Protection:** Chicken coops and fenced enclosures shall be located at least fifty (50) feet from any private water well on the subject parcel or adjacent parcels.
- 4.20 Free-Range Chickens:** Free range chickens shall not be allowed on parcels of 4 acres or less.

ARTICLE V: ADMINISTRATION

This Ordinance shall be administered as outlined below.

- 5.1 Authority:** The Zoning Administrator shall have authority to administer this Ordinance, except as otherwise specified.
- 5.2 Application:** An application shall include the following:
1. Form: A signed and completed application form;
 2. Plans: A site plan approved by the zoning administrator showing the location of the coop and enclosure on the parcel, location of the private water well, construction details related to the enclosure fence and coop structure.
 3. Waste Management Plan: A description of how waste, including feed, manure, and deceased chickens will be managed and disposed;

4. Approvals: All adjacent parcel owners' written approval for the keeping of chickens on the subject parcel;

5. Animal Care Plan: An animal care program involving euthanasia of chickens;

6. Fee: A fee as adopted by Township Board resolution; and

7. Additional Materials: Any additional information necessary to determine compliance with this Ordinance and other applicable laws.

5.3 Complete and Accurate: Submission of an application constitutes a representation that all of the information is complete and accurate.

5.4 Right-to-enter: Submission of an application constitutes permission for the Township and its agents to enter the subject parcel for the purposes of administering this Ordinance.

5.5 Issuance: Permits shall be issued by the Zoning Administrator after adequate review upon determination that the proposed keeping of chickens is consistent with this Ordinance. A permit may be denied to an applicant who has a documented history of violating this Ordinance.

5.6 Withholding Permit: Issuance of any permit may be withheld pending verification, including field investigation, that the proposed keeping of chickens is consistent with this Ordinance.

5.7 Conditions: Reasonable conditions may be placed on approvals, as outlined below.

1. Health, Safety, and Welfare: Conditions shall be designed to protect the public health, safety, and welfare of the subject parcel residents, adjacent parcel and residents, and the community in general.

2. Police Power: Conditions shall be related to the valid exercise of the police power and purposes of this Ordinance that are impacted by the keeping of chickens.

3. Compliance: Conditions shall be necessary to ensure compliance with the terms and provisions of this Ordinance.

5.8 Period: Keeping of chicken permits shall be valid for the calendar year in which they are issued. If the calendar year ends on a day when Marion Township offices are not open to the public, they shall remain valid through the end of the first day that the offices are open to the public.

5.9 Suspension or Revocation: A permit issued under this ordinance may be suspended temporarily and immediately or revoked permanently, as outlined below.

1. Notice: The subject parcel owner shall receive written notice of the possible suspension or revocation, including the time and place the suspension or revocation will be considered, the reason for the suspension or revocation, and the actions necessary to prevent the suspension or revocation. The notice shall be sent at least ten (10) business days before the suspension or revocation will be considered.

2. Decision Criteria: In order to suspend or revoke an approval, at least one (1) of the following shall be found to be true:

a. Threat: A severe and imminent threat exists to the health, safety, or welfare of residents on adjacent properties or the community in general;

b. Ordinance Terms and Provisions: The approval or execution of an approved permit is not consistent with the terms or provisions of this Ordinance;

- c. Approval and Conditions: The approval or execution of an approved permit is not consistent with the approval, any condition of approval, or any written commitment;
 - d. Fraud: The approval was the result of fraud or misrepresentation of facts.
3. Effect: Upon temporary suspension, the subject parcel owner must make all necessary corrections in a timely manner. Upon permanent revocation, the subject property owner must remove the chickens and coop from the parcel in a timely manner.
- 5.10 Appeals:** Appeals from decisions made in the administration of this Ordinance shall be heard and decided by the Township Board. The original decision shall be upheld unless a written finding is made that the decision was arbitrary or capricious; based on an inaccurate application of this Ordinance; or was based on erroneous facts.
- 5.11 Vested Rights:** Issuance of a permit does not vest any rights beyond the term of that permit, subject to the terms and provisions of this Ordinance.

ARTICLE VI: ENFORCEMENT AND PENALTIES

This Ordinance and approvals granted under it shall be enforced as and subject to penalties outlined below.

- 6.1 Nuisance Per Se:** A violation of any term or provision of this Ordinance or any permit issued under this Ordinance, including conditions, shall be a nuisance per se and may be abated by a court of competent jurisdiction.
- 6.2 Presumption/Party to Violation:** The owner of record, resident, applicant, or any agent who commits, participates in, assists, aids, or maintains a violation may each be found responsible for each separate offence and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as noted in the Township's current assessment roll, has authorized all structures and uses.
- 6.3 Inspection of Violation:** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.
- 6.4 Scope of Remedies:** The Township may pursue all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, or combination of those shall not exempt a violator from compliance with the terms and provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.
- 6.5 Cease and Desist Order:** If a violation of the terms or provisions of this Ordinance is found to exist after an inspection, a cease and desist order shall be issued in the form of a written notice ordering an immediate cessation of the violation. A cease and desist order may be issued to any person that is subject to the terms or provisions of this Ordinance.
- 1. Effective: A cease and desist order shall be effective once it has been posted on the subject parcel where the violation exists and a copy has been sent to the last known address of the subject parcel owner. Additional copies of the cease and desist order may be sent to other responsible parties to the violation, if different and known.

2. Effect: Once a cease and desist order has been issued, the violation of this Ordinance shall stop immediately. The Zoning Administrator may allow a reasonable time for corrections to be made.
3. Violation: Any violation of a cease and desist order shall be a violation of this Ordinance.
4. Other Remedies: A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law

6.6 Municipal Civil Infraction: The violation of any term or provision of this Ordinance or permit issued under this Ordinance or of any condition placed on approval of a permit under this Ordinance shall be a municipal civil infraction. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offense. If found responsible for a violation, the responsible party shall pay all costs and expenses, direct and indirect, including, but not limited to staff time, contractor time, and attorney costs, that the Township has incurred and shall be subject to the civil fines outlined below.

1. First Violation: The fine for a first violation within a three (3) year period, determined by the date of violation is \$125.00.
2. Second Violation: The fine for a second violation within a three (3) year period, determined by the date of violation is \$250.00;
3. Third Violation: The fine for a third violation within a three (3) year period, determined by the date of violation is \$500.00;
4. Fourth and Subsequent Violation: The fine for a fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation is \$1,000.00.

ARTICLE VII: SEVERABILITY

If any one (1) or more sections, provisions, phrases, or words of this Ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance unless expressly stated by the court. If the application of this Ordinance on a specific parcel is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or enforceability on other properties unless expressly stated by the court.

ARTICLE VIII: REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed on the effective date of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

ARTICLE IX: NONEXCLUSIVITY

The prohibitions provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule, or regulation.

ARTICLE X: ADOPTION

Provision of this Ordinance shall take effect thirty (30) days from the date of publication in accordance with the statutes of the State of Michigan.

Motion by **NAME**, supported by **NAME**. Motion carried **X-X**.

This Ordinance was adopted by the Township Board at a duly-called meeting on **DATE**, as verified by Tammy L. Beal, MMC, Marion Township Clerk.

Date Adopted by Township Board:	DATE
Date Published in Newspaper:	DATE
Name of Newspaper Published in:	NEWSPAPER
Effective Date:	DATE
Date Filed with County Clerk:	DATE
Date Recorded in Township Ordinance Book:	DATE

draft (4-20-2026) for planning commission review

Storage Containers

Please find below some potential changes related to storage containers.

Text proposed for deletion is shown with . New proposed text is shown with red underline.

This draft is intended to facilitate discussion and get guidance for future revisions.

§3.02 Definitions

Storage Containers: The following definitions shall apply in the application of this Ordinance.

1. Portable Storage Container: A portable or moveable, weather-resistant container designed for the short-term storage or shipment of household goods, wares, valuables, or merchandise. They are typically leased and delivered to a property on a truck and remain on site for a period of time before being removed by truck. Also known as PODs or MODs.
2. Shipping Container: A container originally or specifically used to store or transport goods or freight during shipping or hauling by ship, rail, semi-truck, or other means.

§6.07 Accessory Structures and Uses- Remove standards from the accessory structures and uses section.

§6.33 Storage Containers- Add as a new section dedicated to storage containers.

Storage containers are permitted subject to the standards below. These standards do not apply to storage containers associated with an approved storage or shipping operation.

- A. General Storage Container Standards: All storage containers shall meet the general standards below.
 1. Stacking: Storage containers shall not be stacked more than one (1) container high.
 2. Use: Storage containers shall only be used for storage. Keeping of animals or use for a dwelling is prohibited.
 3. Water: Storage containers shall not be connected with water or sanitary sewer.
 4. Electricity. Storage containers shall not be connected with electricity.
 5. Septic Field. Storage containers shall not be placed above a septic system, including the tank, lines, and field.
 6. Hazardous Materials: Storage containers shall not be used for storage of hazardous materials beyond what would typically be found on a residential property.

7. Hazardous Conditions: Storage containers shall not be placed in a location that may cause hazardous conditions or constitute a threat to public safety.
 8. Vacant Property: Storage containers shall not be placed on vacant property unless a permit has been issued for construction of a new building.
- B. Portable Storage Containers: Portable storage containers shall meet the additional specific standards below.
1. Zoning Districts: Portable storage containers are allowed in all zoning district on a property when a permit has been approved for and there is active construction or when an occupant is in the process of moving.
 2. Number: There is a maximum of one (1) portable storage container per property. If a building permit has been issued and remains in good standing, an additional one (1) portable storage container may be kept on the property.
 3. Period: Portable storage containers accessory to moving may remain on the property for sixty (60) calendar days. Portable storage containers accessory to construction may remain on the property until the permit expires or fifteen (15) calendar days after a certificate of zoning compliance has been issued.
 4. Location: Portable storage containers shall be placed on a driveway or similar surface. They shall be at least five (5) feet from all lot lines and buildings and shall not create a vision or access hazard.
 5. Land Use Permit: A land use permit shall be required for any portable storage container to be located on a property for more than one hundred eighty (180) days.
- C. Shipping Containers: Shipping containers shall meet the additional specific standards below.
1. Zoning Districts: Shipping containers are only allowed in the HS Highway Service, LI Light Industrial, RR Rural Residential, and PL Public Lands zoning districts.
 2. Number: There is a maximum of one (1) shipping container per property. Additional shipping containers may be permitted by the Zoning Administrator upon demonstration that they are necessary to support a permitted construction project.
 3. Period: Shipping containers accessory to a construction project may remain on the property until the permit expires or fifteen (15) calendar days after a certificate of zoning compliance has been issued.
 4. Location: Shipping containers shall meet the applicable setback standards for an accessory building and shall not be located in a front yard in RR Rural Residential zoning districts.
 5. Wells. Shipping containers shall be setback at least six (6) feet from potable wells.
 6. Property Size: Shipping containers shall only be placed on properties with a lot area of at least two (2) acres. This shall not apply to shipping containers accessory to a permitted construction project in a commercial zoning district.

7. Appearance: The exterior of shipping containers shall be kept and maintained with a single, consistent paint color without visible rust or markings. Shipping containers intended to remain on a property more than one hundred eighty (180) days shall be painted a color that blends in with the surrounding area.
8. Screening: Shipping containers shall be screened from adjacent residentially-zoned or used properties and public rights-of-way with evergreen vegetation, fencing, or a combination of those.
9. Roof: Shipping containers intended to remain on a property more than one hundred eighty (180) days shall have a roof finished with shingles, vertical seam or decorative metal roofing, or similar materials with a finished appearance and shall have a pitch of at least four (4) inches over twelve (12) inches.
10. Foundation: All shipping containers shall be placed on a solid foundation adequate to support the weight, such as concrete, asphalt, or compacted limestone. Shipping containers intended to remain on a property more than one hundred eighty (180) days and with a gross floor area of two hundred (200) square feet or more shall be attached to a permanent foundation.
11. Modification: Shipping containers shall not be modified except as required or allowed by this Ordinance. **Doors and windows shall not be added.**
12. Land Use Permit: A land use permit shall be required for any shipping container to be located on a property for more than one hundred eighty (180) days or for any shipping container accessory to a commercial use.
13. Building Permit: A building permit shall be required for any shipping container with a gross floor area of two hundred (200) square feet or more.