

**MARATHON TOWNSHIP PLANNING COMMISSION**  
**Meeting Agenda**

**May 8, 2023**

**6:00 PM**

**Township Hall \* 4575 Pine Street \* Columbiaville, MI**

**MEMBERS ATTENDING**

**Tom Greyerbiehl, Chairperson**  
**Sandi Glesenkamp, Secretary**  
**Rosalee Perdue**  
**Fred Moorhouaw**

**Smokey Meinecke**  
**Sheila Dennis**  
**Terry Miner**

- I. WELCOME NEW MEMBER - ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES held April 3, 2023**
- V. PUBLIC COMMENT**
- VI. NEW BUSINESS – SHORT TERM RENTAL**
- VII. OLD BUSINESS – SOLAR ENERGY**
- VIII. AJOURN**
  
- IX. ADJOURN**

**MARATHON TOWNSHIP QUARTERLY  
PLANNING COMMISSION**

**Minutes April 3, 2023**

Tom Greyerbiehl, Chair

Sheila Dennis

Sandi Glesenkamp, Secretary

Rosalee Perdue

Smokey Meinecke

Terry Miner

The meeting was called to order at 6:00 by Chairman, Tom Greyerbiehl. Roll call was taken showing all present. Guests included Dennis HoganRick Dida, Bill Sickner, Helen and Willis Clark, Carol Winn and Mark Winn. The Pledge of Allegiance was recited.

A motion was made by Perdue with support by Dennis to approve the agenda. All votes aye, motion carried.

A motion was made by Dennis with support by Perdue to approve the minutes of March 13, 2023. All votes aye, motion carried.

Public Comment: Concerns were expressed by some audience members regarding solar energy as well as some suggestions to consider.

New Business Discussion took place about developing a solar energy ordinance. Chairman Greyerbiehl has been in contact with several people involved with such an ordinance and offered to call Rowe engineering as our attorney advised and to see how much they would charge as well as a time line for developing such an ordinance.

Supervisor Hogan said the Township Board will be considering placing a moratorium on Solar Energy to allow the PC to come up with an ordinance that best fits our needs. The Pc will table this matter until we get a date from Rowe.

Old Business: Review of the special land uses and their status was presented

A motion was made by Dennis with support by Miner to adjourn. All votes Aye, motion carried. Meeting was adjourned at 7:00 p.m.

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Submitted by Sandi Glesenkamp

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Approved Tom Greyerbiehl

SUBSTITUTE FOR  
HOUSE BILL NO. 4722

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 206b. (1) For the purposes of zoning, all of the  
2 following apply to the rental of a dwelling, including, but not  
3 limited to, short-term rental:  
4       (a) It is a residential use of property and a permitted use in  
5 all residential zones.  
6       (b) It is not subject to a special use or conditional use  
7 permit or procedure different from those required for other  
8 dwellings in the same zone.  
9       (c) It is not a commercial use of property.

1           (2) A local unit of government shall not adopt or enforce  
2 zoning ordinance provisions that have the effect of prohibiting  
3 short-term rentals.

4           (3) This section does not prohibit a zoning ordinance  
5 provision that is applied on a consistent basis to rental and  
6 owner-occupied residences and that regulates any of the following:

- 7           (a) Noise.
- 8           (b) Advertising.
- 9           (c) Traffic.
- 10          (d) Any other condition that may create a nuisance.

11          (4) This section does not prohibit a local unit of government  
12 from doing either of the following:

13          (a) Inspecting a residence for compliance with or enforcement  
14 of an ordinance of the local unit of government that meets all of  
15 the following requirements:

- 16           (i) Is for the protection of public health and safety.
- 17           (ii) Is not a zoning ordinance.
- 18           (iii) Does not have the effect of prohibiting short-term  
19 rentals.

20          (b) Collecting taxes otherwise authorized by law.

21          (5) Notwithstanding any other provision of this section, a  
22 local unit of government may limit the number of units under common  
23 ownership used for short-term rental in the local unit. The limit  
24 set by the local unit of government shall not be fewer than 2  
25 units.

26          (6) Notwithstanding any other provision of this section, a  
27 local unit of government may limit the total number of units used  
28 for short-term rental in the local unit. The limit shall not be  
29 less than 30% of the number of existing residential units in the

1 local unit of government and shall apply without regard to the  
2 location of dwelling units.

3 (7) Notwithstanding any other provision of this section, a  
4 local unit of government that, as of July 11, 2019, had zoning  
5 ordinance provisions that regulate the rental of dwellings by  
6 overlay district without distinction between short-term rental and  
7 rental for longer terms, and that, as of July 11, 2019, had a  
8 rental overlay district or districts that were initiated by  
9 petition, may continue to enforce those zoning ordinance provisions  
10 as they existed on that date. Such a local unit of government may  
11 revise existing overlay district boundaries or create new overlay  
12 districts, but only under the terms of the zoning ordinance  
13 provisions as they existed on July 11, 2019.

14 (8) As used in this section:

15 (a) "Common ownership" means ownership in whole or in part by  
16 the same individual, individuals, or legal entity.

17 (b) "Short-term rental" means the rental of a single-family  
18 residence, a dwelling unit in a 1-to-4-family house, or any unit or  
19 group of units in a condominium, for terms of not more than 30  
20 consecutive days.

21 Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.

# Legislative Analysis



## SHORT-TERM RENTALS

House Bill 4722 (H-11) as passed by the House  
Sponsor: Rep. Sarah L. Lightner  
Committee: Commerce and Tourism  
Complete to 11-2-21

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4722 would amend the Zoning Enabling Act to prohibit a county, township, city, or village from adopting or enforcing zoning ordinance provisions that have the effect of prohibiting short-term rentals. The bill would provide that the rental of a dwelling is a permitted residential (and not commercial) use of property that is not subject to special permits or procedures. A local government could adopt certain specified zoning ordinances and practices if consistently applied to rentals and other residences. Within parameters described below, a local government could limit the number of short-term rentals owned by the same person and limit the total number of short-term rentals as a percentage of all residences. The bill also would allow the continued enforcement of certain ordinance provisions in existence on July 11, 2019.

Specifically, under the bill all of the following would apply, for purposes of zoning, to the rental of a dwelling, including a *short-term rental*:

- It is a residential use of property and a permitted use in all residential zones.
- It is not subject to a special use or conditional use permit or procedure different from those required for other dwellings in the same zone.
- It is not a commercial use of property.

*Short-term rental* would mean the rental, for up to 30 consecutive days, of a single-family residence, a dwelling unit in a one- to four-family house, or a unit or group of units in a condominium.

A county, township, city, or village would be prohibited from adopting or enforcing zoning ordinance provisions that have the effect of prohibiting short-term rentals.

However, the bill would expressly *not* prohibit a zoning ordinance provision that is applied on a consistent basis to rental and owner-occupied residences and regulates any of the following:

- Noise.
- Advertising.
- Traffic.
- Any other conditions that may create a nuisance.

The bill also would expressly *not* prohibit a county, township, city, or village from doing either of the following:

- Inspecting a residence for compliance with or enforcement of an ordinance that is not a zoning ordinance, that is for the protection of public health and safety, and that does not have the effect of prohibiting short-term rentals.
- Collecting taxes otherwise authorized by law.

However, a local government could limit the number of dwelling units in its jurisdiction that are used for short-term ownership and are owned in whole or in part by the same individual or individuals or legal entity—as long as that limit is not less than two units.

A local government also could limit the total number of dwelling units used for short-term rental in its jurisdiction—as long as that limit is not less than 30% of the number of existing residential units and as long as it applies without regard to the location of the dwelling units.

Finally, the bill would provide that a county, township, city, or village that, as of July 11, 2019, had zoning ordinance provisions that regulate the rental of dwellings by overlay district without distinction between short-term rental and rental for longer terms, and that, as of July 11, 2019, had a rental overlay district or districts that were initiated by petition, could continue to enforce those zoning ordinance provisions as they existed on July 11, 2019. The local government could revise existing overlay district boundaries or create new overlay districts, but only under the terms of the zoning ordinance provisions as they existed on July 11, 2019.

The bill would take effect 90 days after its enactment.

Proposed MCL 125.3206b

#### **FISCAL IMPACT:**

House Bill 4722 would have an indeterminate, but likely negligible, fiscal impact on local unit of government regulatory costs associated with short-term rentals. Local units of government regulating short-term rentals through a zoning ordinance presumably either prohibit them or charge a permit or licensing fee to cover the costs of regulation. Unless a local unit of government was levying permit or licensing fees in excess of actual regulatory costs, there would be no net fiscal impact for local unit of government regulatory costs.

Other fiscal implications directly related to short-term rentals would be difficult to quantify because the number of local units that would restrict short-term rentals in the future is unknown and the interplay and magnitude of each component would vary by local unit. These areas with fiscal implications include sales and use taxes, income taxes, lodging taxes, real estate prices, and property taxes. Net fiscal impacts could vary widely by local unit.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Ben Gielczyk

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

4900 Blue Water Dr.  
Otter Lake, MI 48464  
May 7, 2023

Marathon Township Planning Commission  
4575 Pine Street  
Columbiaville, MI 48464

Dear Planning Commission,

On April 27, 2023, a home at 4910 Blue Water Drive located on Hemingway Lake officially went on sale. On April 28, 2023, as president of the Hemingway Lake Association, I received a phone call from a realtor seeking information about our Association bylaws. The realtor informed me that she had a client who might be interested in purchasing the home for use as an Airbnb and wanted to know if we had any regulations concerning Airbnbs. I explained that we do not have any regulations because our function is to control aquatic plant life, to ensure that the dam is in working order, and to promote enjoyable and safe fishing and recreation for our lake residents. I further explained that our HLA works closely with Marathon Township, but any ordinances related to land or lake property usage would come under the jurisdiction of the Township.

On May 1, 2023, I received a call from a second realtor indicating that her client had expressed an interest in 4910 Blue Water Drive for the same purpose of using it for an Airbnb. Upon finding the online advertising for that residence from the actual listing agent, I discovered the following statement: "Come fall in love with this beauty. If you're looking for your first Airbnb, look no further."

Hemingway Lake has no public access. It is a private lake that residents treasure as a place for the enjoyment of our families and friends. We have invested ourselves in its upkeep and strive to keep it in the best shape possible. Without any consideration for residents, it is now being promoted as a place for entrepreneurship and for the public to vacation.

**On behalf of Hemingway Lake residents I am asking if there is anything the Marathon Township Planning Commission can implement to prohibit or regulate the establishment of Airbnbs in order to help preserve the unique character of our lake community. Additionally, I am including a list of concerns we have with regards to the establishment of Airbnbs at Hemingway Lake:**

1. **Private Roads:** Some roads at the lake are county roads. Others, such as Blue Water Drive, are private. Property taxes do not cover the cost of maintenance on those roads. **Maintenance, including any wear and tear by increased traffic, is the responsibility of the property owners.** Money is requested and voluntarily paid so that road grading, brining, etc. can be contracted out.
2. **Lake Residents Stock the Lake With Fish to Help Ensure Enjoyable Fishing Experiences:** Annual contributions to the fish fund are voluntary, but residents have been willing to support the effort. We wonder if Airbnb renters will have access to the lake. If so, there could potentially be a significant increase in the number of people fishing on a private lake that has no public access.
3. **Safety: Should the Airbnb owner happen to supply a boat, jet skis, or other watercraft to the renters, the number of people using the lake would increase. It would become more difficult for the HLA to ensure safe boating practices and promote Michigan boating laws.**



4. **Should the renters bring their own watercraft, there would be other complications or concerns:**
- a. **The boat launch is not owned by the entire lake. It is owned by the Heights area residents through legal designation on their deeds.** As it stands now, the rest of the lake's property owners are given permission to use it through a special arrangement between the Heights residents and the HLA which covers the annual mowing contract and minor repairs to the launch. If Heights area residents can regulate the use of the launch for lake property owners outside their area, it seems that they might have legal standing to determine its use by Airbnb renters as well.
  - b. **Lake residents have an ongoing concern about launching watercraft onto Hemingway Lake that are used in waters elsewhere.** We encourage property owners to always clean their boats, pontoons, jet skis, etc. thoroughly before launching them in order to prevent invasive plant life or organisms, such as zebra mussels, from being introduced into Hemingway Lake. **If Airbnb renters are permitted to use their own watercraft, the danger of introducing destructive species into the lake is greatly increased. Should that happen, the quality of the lake would be negatively impacted.**
  - c. **Lake residents pay property taxes, assessed by the State of Michigan, to have the privilege of owning their lake property. We also pay additional taxes at Hemingway Lake required by a special assessment to annually control nuisance weeds and to provide minor repairs to the dam.** Repairs are sometimes not optional, but rather determined by state mandated inspections that occur every five years. **To allow Airbnb renters onto the lake provides a pass to people who have no personal investment in the lake.**

We appreciate your willingness to deal with township issues. Thank you for taking the time to consider our concerns. Please feel free to contact me for any needed clarification or to discuss possible options for dealing with the Airbnb situation.

Sincerely,

Lenny Sly  
Hemingway Lake Association President  
H: (810) 545-0481 C: (810) 955-3742



## **B&B/SHORT TERM RENTALS GUIDE (12/2020)**

City of Frankenmuth  
240 W. Genesee Street  
Frankenmuth, MI 48734-1398  
Phone: (989) 652-9901

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**Note:** The below information is intended as a summary. Please refer to the City's Zoning & Planning Code (amended by Ordinance No. 2019-02 & 2020-07) for a complete copy of all regulations.

**1. Bed and Breakfast\* (B&B) Definition:** A private residence offering sleeping accommodations for rent in the innkeeper's residence in which the innkeeper resides while renting the rooms to the lodgers, serving breakfast at no additional cost for no more than 16 consecutive days.

**Zoning Requirements:** B&B's are permitted in all residential zoning districts and in residences that are non-conforming uses in commercial zoning districts, but cannot be located on the same block face as another B&B and must be 300 ft or greater from any other B&B/Short-term rental unless on specified streets (S. Franklin Street, Genesee Street between Parker Street and Churchgrove Road, E. Jefferson Street between S. Main Street and the City limits, and Main Street).

*\* Such uses are subject to a Public Hearing before, and approval by, the Planning Commission.*

**Site Requirements:** B&B Building. Cannot exceed 25% of total square footage of the dwelling or 4 bedrooms and cannot exceed 2 adults and 2 children per room. The dwelling shall not involve construction or alterations that are specific for use as a B&B and must have 2 exits. Notes: (1) Additional requirements not listed herein. (2) There may be additional Building Code requirements.

**Signage.** One standard sign to identify the B&B must be no greater than 1 sq foot and can be erected on the front wall of the residence.

**Operational Requirements:** The B&B cannot employ more than two people and must be operated throughout the entire dwelling. The dwelling shall not generate volumes greater than that normally associated with residential land use. The B&B shall have all parking on site and any additional parking must be approved by the zoning administrator. Each facility must also maintain a guest register, and is subject to annual audit.

**2. Short Term Rental\* (STR) Definitions:** Tents and RV's are not considered short-term rentals.

(1) Short term rental–non-owner occupied. A dwelling unit that is rented for transient use by any person other than the primary owner for no more than 29 days.

(2) Short term rental–owner occupied. A private residence offering sleeping accommodations for rent at which the owner resides while renting no more than two rooms to no more than four lodgers for no more than 7 consecutive days. Anytime the rental is utilized, the owner must be at the premises.

**Zoning Requirements:** STR's are permitted in all multi-family (RCM) residential districts or in legal, nonconforming residential structures (used solely for residential purposes) located in an office, commercial, or industrial zoning district. They shall be no closer than 300 feet to any other short-term rental or bed and breakfast. This requirement does not apply to homes with address on S. Franklin Street, the north side of Genesee Street between Parker Street and Churchgrove Road, E. Jefferson Street between S. Main Street and the City limits, and Main Street.

*\* Such uses are subject to a Public Hearing before, and approval by, the Planning Commission.*

**Site Requirements:** STR Building. The dwelling shall not involve construction or alterations specific for use as an STR. It must have 2 exits as well as a guest register. A local agent must reside within 30 miles of the property with readily available contact. All sleeping areas must be operated inside of the dwelling and the overnight lodgers must not exceed 12 people while daytime guests shall not exceed 18. Please note there may be additional Building Code requirements.

**Signage.** One standard sign to identify the STR must be no greater than 1 sq foot and can be erected on the front wall.

(9) Recreation Space. Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreation pursuits. The smallest countable recreation space is 10,000 square feet. A lesser area may be countable where the total recreation space required is less than 10,000 square feet but shall not be less than 1,000 square feet. The smallest dimension of countable recreation space must be at least 50 feet where more than 10,000 square feet of recreation space is required and at least 20 feet where less than 10,000 square feet of recreation space is required. That part of a recreation area having a dimension less than 50 feet is not included as countable recreation space unless the recreation area is usable roof area. Countable recreation space must be at least 20 feet away from any residential wall containing a window on the ground floor.

(10) Recreation Space Ratio. The square footage of space for active recreation provided for each square foot of building area.

(11) Screen. Any man-made structure, either portable or fixed, constructed of material(s), which provides a shelter, a partition and/or concealment, and that which is not an architectural feature attached to a structure or an integral portion of a structure.

(12) Setback. The distance required to obtain front, side or rear yard open space provisions of this Chapter.

(13) Sexually oriented business. (See Section 5.103).

(13.1) Short term rental–non-owner occupied. A dwelling unit that is rented for transient use by any person other than the primary owner for no more than 29 days.

(13.2) Short term rental–owner occupied. A private residence offering sleeping accommodations for rent at which the owner resides while renting no more than two rooms to no more than four lodgers for no more than 7 consecutive days. Anytime the rental is utilized, the owner must be at the premises.

(14) Sign. (See Article 17.)

(14.5) Significant Natural Feature: A natural area as designated by the Planning Commission, City Council, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

(15) Story. Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. The story thus defined shall not be counted as a story when more than fifty (50) per cent by cubic content is below the level of the adjoining ground.

(16) Street. Is a public thoroughfare which affords the principal means of access to abutting property.

(17) Structure. Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

(Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2001-03, 02-06-2001; Ordinance No. 2008-09, 08-05-2008; Ordinance No. 2012-04, 11-13-2012; Ordinance No. 2019-02, 03-06-2019; Ordinance No. 2020-04, 09-01-2020)

#### 5.8. Definitions (T-Z).

(1) Taverns and Bars. Facilities in which 50% or more of the revenue from sales is derived from the retail sale of alcoholic beverages.

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**ARTICLE 8-A. RCD – TWO FAMILY RESIDENTIAL DISTRICT**

## 5.61. Principal Uses Permitted.

- (1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.
- (2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.
- (3) Two-family dwelling units-Otherwise known as duplex apartments.
- (4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."
- (5) Name plates and signs as provided in Article 17, "Signs and Billboards."
- (6) Automobile parking space to be provided as required in Article 16, "General Provisions."
- (7) Day care, adult (1-6 persons).

5.62. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCD District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

- (1) Rental offices as accessory to a multiple-dwelling unit project.
- (2) Group day care homes (7-12 persons); day care, adult (7-12 persons) and as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.
- (3) Private swimming pools in accordance with requirements of section 5.22(4).
- (4) Home occupations complying with standards as specified under Sub-section 5.22(2) above.

5.63. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

(Ordinance No. 2016-07, 07-12-2016)

**ARTICLE 8-B. RCM - MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

## 5.65. Principal Uses Permitted.

- (1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.
- (2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.

- (3) Two-family dwelling units-Otherwise known as duplex apartments.
- (4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."
- (5) Name plates and signs as provided in Article 17, "Signs and Billboards."
- (6) Automobile parking space to be provided as required in Article 16, "General Provisions."
- (7) The minimum real estate permitted for the construction of a single RCM unit shall be twenty thousand (20,000) square feet.
- (8) Adult foster care small group home (7-12 persons)
- (9) Day care home, group (up to 12 persons)

5.66. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCM District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

- (1) Rental offices as accessory to a multiple-dwelling unit project.
- (2) Nursery schools; day nurseries; Day care centers, commercial; and day care, adult (13 or more persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.
- (3) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed three (3) stories when the following conditions are met:
  - (a) All such hospitals shall be developed only on site consisting of at least five (5) acres in area and shall not be permitted on a lot or lots of record.
  - (b) The proposed site shall have at least one property line abutting a major thoroughfare or secondary thoroughfare.
  - (c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet for each additional story.
  - (d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence five (5) feet in height. Ingress or egress to the site shall be directly from a major thoroughfare or a secondary thoroughfare.
  - (e) All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major or secondary thoroughfare.
- (4) Housing for the elderly, not to exceed a height of three (3) stories when the following conditions are met:

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- (a) All housing for the elderly shall be provided as a planned development consisting of at least ten (10) acres and shall provide for the following:
1. Cottage type dwellings and/or apartment type dwelling units.
  2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- (b) All dwellings shall consist of at least four hundred (400) square feet of floor area per unit.
- (5) Convalescent homes, not to exceed a height of three (3) stories, when the following conditions are met:
- (a) The site shall consist of at least four (4) acres.
  - (b) The maximum coverage shall not exceed twenty-five (25) per cent for all buildings, including principal structures and those incident to the principal structure.
- (6) Funeral homes, provided adequate site space is available to allow all vehicles to park off the street right-of-way.
- (7) Accessory buildings and uses customarily incident to any of the above uses.
- (8) Private swimming pools in accordance with requirements of section 5.22(4).
- (9) Home occupations complying with standards as specified under Sub-section 5.22(2) above.
- (10) Any construction permitted under section 5.62(3), 5.62(4), and 5.62(5) may comprise three (3) stories. The entire building shall be equipped with an automatic sprinkler system, and the Building Inspector will deny the issuance of a permit if the same not be provided.
- (11) Clubs as defined in Section 5.3(14) of this Chapter. Such clubs shall meet the following requirements:
- (a) Any use permitted herein shall be developed on a site with a minimum of one (1) acre in area.
  - (b) The proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto said major street.
  - (c) Front, side and rear yards shall be landscaped with trees and shrubs, and grass. All such landscaping and planting shall be maintained in a healthy growing condition and neat and orderly appearance.
  - (d) Buildings erected on the premises shall not exceed two (2) stories in height.
  - (e) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect light away from adjacent residential areas.
  - (f) Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members plus one (1) space for each employee.
  - (g) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four (4) feet in height shall be provided along that side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.
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(h) All parking areas shall be surfaced as required in sections 5.145 through 5.147.

(i) If a swimming pool is constructed on the site, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.

5.67. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

(Ordinance No. 2016-07, 07-12-2016)

## ARTICLE 9. O - OFFICE BUILDING DISTRICTS

5.71. Preamble. The O-Office Building Districts are designed to accommodate office uses, office sales uses and basic personal services.

5.72. Principal Uses Permitted.

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
- (2) Medical offices, including clinics and hospitals.
- (3) Public owned buildings and public utility offices.
- (4) Funeral homes.
- (5) Other uses similar to the above uses.

5.73. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the O District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions imposed herein, the following may be permitted:

- (1) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulatory stations when operating requirements necessitate the location within the district in order to service the immediate vicinity.
- (2) Veterinary clinics, animal hospitals and/or boarding facilities for small animals.
- (3) No more than one (1) dwelling unit or apartment shall be permitted upon any floor above an O District establishment. Such apartment shall conform to the minimum floor area requirements as set forth in section 5.132. A recreation area shall be provided for the apartment with a minimum size of one-half (1/2) the floor area of the apartment. Two (2) parking spaces shall be designated for the apartment.
- (4) Nursery schools; day nurseries; day care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(5) Sexually oriented businesses as described in Section 5.103(9) of this Chapter shall be prohibited in the O Office Building District.

(Ordinance No. 1991-7, Sec. 3, 06-04-1991; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2008-10, 08-05-2008; Ordinance No. 2012-05; 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

5.74. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting height and bulk of buildings and minimum size of lot by permitted land use.

#### ARTICLE 10. B-1 - CONVENIENCE COMMERCIAL DISTRICT

5.81. Preamble. The B-1 Convenience Commercial District is intended to provide for minor shopping areas at the fringes of residential neighborhoods to provide for the day-to-day needs for goods and services. These uses should not be of the type or magnitude to compete directly with the uses found in the B-2 District.

5.82. Principal Uses Permitted.

- (1) Barber shop.
- (2) Beauty salon.
- (3) Coin-operated laundry.
- (4) Superette, provided the gross floor area does not exceed three thousand (3,000) square feet.

5.83. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the B-1 District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions imposed herein, the following may be permitted:

- (1) Drug store.
- (2) Public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations when operating requirements necessitate the location within the district in order to serve the immediate vicinity.
- (3) No more than one dwelling unit or apartment shall be permitted upon any floor above a B-1 establishment. The apartment shall conform to the requirements set forth in section 5.73(4).

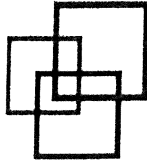
(Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2012-05; 11-13-2012)

#### ARTICLE 11. B-2 - LOCAL BUSINESS DISTRICTS

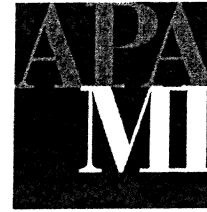
5.91. Preamble. The B-2-Local Business Districts are designed for the business and shopping needs of persons in the City's market area.

5.92. Principal Uses Permitted.





MICHIGAN  
TOWNSHIPS  
ASSOCIATION



**Contact:** Matt Bach  
Michigan Municipal League  
C: (810) 874-1073; [mbach@mml.org](mailto:mbach@mml.org)

**FOR IMMEDIATE RELEASE:** May 25, 2021

## **MML, MTA and MI Planning Association issue joint release in response to rushed passage of short-term rental legislation**

**LANSING** – The House Commerce and Tourism Committee approved legislation today that would significantly limit how local communities regulate commercial short-term rental properties in residential neighborhoods across the state. A last-minute substitute to House Bill 4722 was given to stakeholders minutes before the committee meeting started and was swiftly passed without having time to review the new bill.

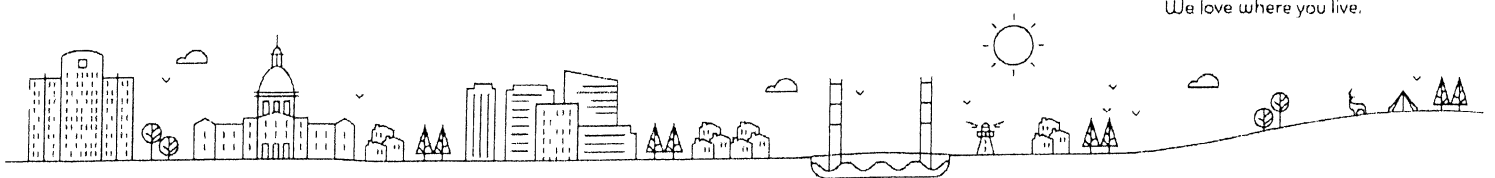
The Michigan Municipal League, Michigan Townships Association (MTA), and Michigan Association of Planning (MAP) all issued statements expressing their strong opposition to today's actions.

"We are extremely disappointed that a substitute bill given to us minutes before committee began was passed without allowing stakeholders time to review it and provide input. The changes made to the bill do nothing to address the very serious concerns local leaders across the state have made clear: a top-down, one-size-fits-all policy for short-term rentals ignores the unique needs of our individual communities and is wrong for Michigan," said **Dan Gilmartin, Michigan Municipal League CEO and Executive Director**. "We believe short-term rentals have an important place in Michigan's tourism economy, but citizens who put down their life savings to buy a home in one of our great Michigan neighborhoods deserve the right to quietly enjoy their residence too. This legislation is a heavy handed anything goes mandate, and we think that is wrong. We are simply asking for local communities to decide what works best for them so that they can balance the needs of permanent residents and vacationers."

"Residents turn to their local officials to help address issues and problems in their own backyard," said **Neil Sheridan, MTA executive director**. "We recognize—and welcome—the value that tourism brings to communities. But locally elected officials, representing their residents, must continue to have zoning authority over the number and location of short-term rentals—often commercial ventures that can change the very character and fabric of neighborhoods—in their jurisdiction. Local officials know their communities best, and they must retain local decision-making that balances the rights and interests of residents, property owners and visitors."

"While the Michigan Association of Planning recognizes the economic value that short-term rentals can bring to a community, prohibiting municipal government from regulating these uses—which can have serious negative impacts on the quality of life of community residents—is shortsighted and harmful," said **Michigan Association of Planners Executive Director Andrea Brown**. "Local government SHOULD be able to manage the deleterious impacts on

surrounding properties in a way that applies reasonable regulations that both allow for STRs AND protect the rights of local property owners, too.”



We love where you live.

**FOREST TOWNSHIP**

**ORDINANCE NO. 262022-1**

AN ORDINANCE TO AMEND SECTIONS OF THE TOWNSHIP ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS.

THE TOWNSHIP OF FOREST ORDAINS:

**Section 1. Amendment of Section 17.01 of Article 17 of the Township Zoning Ordinance.**

The Township Board hereby amends Section 17.01 of Article 17 of the Zoning Ordinance to add the following definitions thereto:

**Solar energy collector:** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

**Solar energy collector, building mounted:** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, window, or other element, in whole or in part, of a building. The primary purpose of which is to provide energy to the building on which it is mounted.

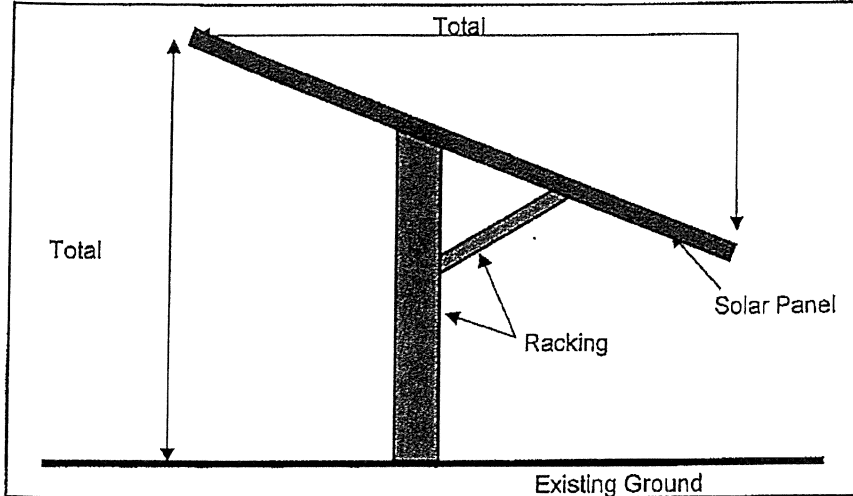
**Solar energy collector, ground mounted:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located. The primary purpose of which is to provide energy to the parcel of land on which it is located.

**Solar energy collector, racking:** Any structure or building material used in the mounting of a solar panel, whether for a building mounted, ground mounted, or commercial solar energy system. See the figure below for additional detail.

**Solar panel:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

**Commercial solar energy system:** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

Solar Energy Collector, Ground Mounted and Commercial Solar Energy System Figure



**Section 2. Amendment of Section 4.11 of Article 4 of the Township Zoning Ordinance.**

The Township Board hereby amends Section 4.11 of Article 4 of the Zoning Ordinance by adding the following to the Table of Uses:

R=Use by Right A=Accessory Use	RA	RU-1	RU-2	MHP	NC	GC	LI
Solar Energy Collector, Building Mounted (See Section 14.32)	R	R	R	R	R	R	R
Solar Energy Collector, Ground Mounted (See Section 14.32)	R	R	R	R	R	R	R
Commercial Solar Energy System (See Section 14.32)	C						

**Section 3. Amendment of Article 14 of the Township Zoning Ordinance.**

The Township Board hereby amends Article 14 of the Zoning Ordinance by adding a new Section 14.32 to read as follows:

**Section 14.32 Solar Energy Collectors**

The intent of this section is to provide for the reasonable utilization and location of private solar energy collectors in Forest Township, with appropriate controls to limit negative impacts on adjacent properties. This section also seeks to limit the potential impact of commercial solar energy systems on Forest Township's rural character and

farmland resources by limiting the size and density of commercial solar energy system sites.

- A. **All solar energy collectors**, whether a building mounted, ground mounted, or commercial solar energy system, shall comply with the following standards:
  1. Solar energy collectors and racking shall be located in the least visibly obtrusive location where solar panels would be functional.
  2. The installation of any solar energy collector shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
  3. It shall be shown that all solar panels are adequately secured to the surface upon which they are mounted and that the mounting structure or racking has the capability of supporting the panels.
  4. All solar panels shall have tempered, non-reflective surfaces.
  5. The installation of any solar energy collector shall not require or be reliant upon the clear cutting of trees or other vegetation.
  6. All solar energy collectors shall be removed, repaired, or replaced if nonfunctional.
  7. Solar energy collectors shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
  8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Building Official prior to installation.
  9. Solar energy collectors, installation, and use shall comply with construction code, electrical code, and other state requirements.
  10. Building official approval is required prior to the installation of any solar energy collector.
  
- B. **Building mounted solar energy collectors** for private use are permitted by-right in all zoning districts, provided they comply with the following requirements.
  1. Shall be such a weight to be safely supported by the structure. Building mounted solar energy collectors shall be permanently attached to a building.
  2. Shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
  3. Shall not project more than two feet above the roof line and shall not exceed the maximum height allowed in the Zoning District.
  4. Shall not be located within three feet of any peak, eave, or valley to maintain adequate accessibility.

- C. **Ground mounted solar energy collectors** for private use are permitted by-right in all zoning districts, provided they comply with the following requirements.
1. May be located only in rear and side yards and are not permitted within the setback areas of the zoning district.
  2. Shall not exceed 12 feet in height, as measured from ground level to the highest point of the solar panel.
  3. Shall be permanently, and safety attached to the ground. Proof of the safety and reliability of the means of such attachment shall be subject to approval of the building official.
  4. The total area of ground-mounted solar energy collectors shall be included in calculation of lot coverage and shall not exceed maximum lot coverage for the zoning district (see Article 4), or the maximum square footage allowed for accessory buildings or structures (see Section 6.01).
  5. When located within 100 feet of a neighboring dwelling unit, a Type A buffer zone shall be required to visually screen the ground mounted solar energy collector.
- D. **Commercial Solar Energy Systems** designed to produce electricity for retail or wholesale sales are permitted by conditional use in the Rural Agricultural District only. Commercial Solar Energy Systems must comply with the following requirements in addition to the requirements listed in Section 14.32.A for all solar energy collectors.
1. In addition to the information required for site plans outlined in Article 8 of this ordinance, applications for commercial solar energy systems shall include the following:
    - i. **Project Description and Rationale.** Identify the type, size, rated power output, performance, safety, and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
    - ii. **Visual Impacts.** Graphically demonstrate the visual impact of the project using photos and/or renderings of the project with consideration given to setbacks and proposed landscaping. Renderings or elevation drawings that illustrate the perspective of adjacent dwelling units and from the public right-of-way shall be provided.
    - iii. **Environmental Analysis.** Identify any impacts on water and air quality and supply for the area.
    - iv. **Waste.** Identify any solid or hazardous waste generated by the project.
    - v. **Lighting.** Provide plans showing all lighting within the facility.
    - vi. **Transportation Plan.** Provide a proposed access plan during construction and operational phases.

- vii. **Access.** Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system.
  - viii. **Public Safety.** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the public that may be created.
  - ix. **Sound Limitations.** Identify noise levels at the property lines of the project when completed and operational.
  - x. **Telecommunications Interference.** Identify any electromagnetic fields and communications interference that may be generated by the project.
  - xi. **Decommissioning.** Provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability, or abandonment. See subsections 5 and 6.
2. Commercial Solar Energy Systems shall conform with the following design requirements.
- i. **Setbacks.** All solar energy collectors and support structures or equipment associated with the facility (excluding perimeter fencing) shall comply with the following setback requirements:
    - a. Be setback a minimum of 100 feet from any property line or public right-of-way line.
    - b. Be setback a minimum of 200 feet from any dwelling unit.
  - ii. **Noise.** No sound from the solar energy system may be audible at the property lines.
  - iii. **Lighting.** No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels.
  - iv. **Buffering.** A "Type A" buffer as required by Section 13.03 shall be provided on all property boundaries of the proposed commercial solar energy system site. The Planning Commission may require modifications to these requirements including the use of fencing or other screening and buffering techniques as determined necessary to adequately screen the commercial solar energy system from adjacent dwelling units and other land uses that may be negatively impacted.
  - v. **Water and Soil.** Commercial solar energy systems shall provide for stormwater detention on-site and shall provide plans to maintain soil quality and prevent run-off onto adjacent properties or drains.
3. The total size of a commercial solar energy system located on a single parcel or multiple parcels that form a single contiguous site shall be no greater than 160 acres.

4. Commercial solar energy systems shall be located at least one mile from all other commercial solar energy systems, whether located in Forest Township or an adjacent jurisdiction.
5. Decommissioning
  - i. Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the solar farm should not be decommissioned.
  - ii. If a commercial solar energy system is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.
  - iii. Within 90 days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.
  - iv. Failure to obtain necessary permits within the 90-day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's expense, consistent with the decommissioning plan.
  - v. Decommissioning shall include removal of all equipment, including all materials above and below ground, up to four feet in depth. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
    - a. The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.
    - b. The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one year.
    - c. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.
6. Decommissioning Plan. Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the



site. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder, or other similar financial instrument with which the financial resources shall be deposited. The decommissioning plan shall address all applicable items in the previous subsection as well as the following.

- i. The financial resources for decommissioning shall be in the form of a surety bond or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.
  - ii. The financial resources for decommissioning shall be 125 percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
  - iii. The Planning Commission shall annually review the amount deposited for removal, site restoration, and administration costs to ensure it is adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
  - iv. If decommissioning is not completed by the applicant within one year of the end of project life, inoperability of solar farm or facility abandonment, the township shall have access to the financial resources for decommissioning for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.
  - v. The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
7. The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Applicants submitting a site plan and conditional use application to Forest Township for a commercial solar energy system shall deposit \$5,000 with the township in an escrow account to address the costs of professional and legal review of the application. If this fund is expended prior to action being taken on the application, the township may request additional deposits.

**Section 4. Effective Date**

This ordinance shall become effective thirty (30) days after publication.

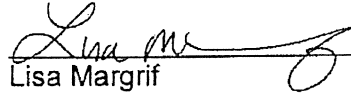
At a regular meeting of the Board of Trustees of Forest Township held on August 11, 2022, adoption of the foregoing ordinance was moved by Al Sorge and supported by Mark Martin.

Voting for:

Voting against:

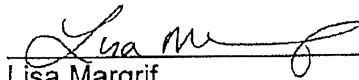
The supervisor declared the ordinance adopted.

  
\_\_\_\_\_  
Mary Ann Price  
Township Supervisor

  
\_\_\_\_\_  
Lisa Margrif  
Township Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. <sup>2022-1</sup> which was enacted by the Forest Township Board of Trustees at a regular meeting on August 11, 2022.

  
\_\_\_\_\_  
Lisa Margrif  
Township Clerk

**SOLAR ENERGY FACILITIES ORDINANCE #17-07  
Kochville Township**

**WHEREAS**, the Kochville Township Board desires to enact an ordinance providing for the regulating of solar energy facilities in Kochville Township, County of Saginaw, Michigan, and;

**WHEREAS**, the Kochville Township Master Plan encourages the use of renewable energy generation through the development of Wind energy, Solar energy and Biomass digesters, within the agricultural districts in Kochville Township, and;

**WHEREAS**, the adoption of this Solar Energy Facilities Ordinance is necessary to facilitate the construction, installation, and operation of Solar Energy Facilities (SEF's) in Kochville Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands.

**NOW, THEREFORE, BE IT ORDAINED** by the Kochville Township Board, as follows:

**SECTION ONE. TITLE**

This ordinance shall be known and shall be cited as the "Solar Energy Facilities Ordinance".

**SECTION TWO. PURPOSES AND OBJECTIVES**

The purposes and objectives for which this ordinance is passed are as follows:

- A. To preserve the dignity and aesthetic quality of the environment in Kochville Township.
- B. To preserve the physical integrity of land in close proximity to residential areas.
- C. To protect and enhance the economic viability and interests of the citizens and residents of Kochville Township.
- D. To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFs) in Kochville Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**SECTION THREE. DEFINITIONS**

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number

**SECTION FOUR. LOCATION**

- A. The location of a Solar Energy facility is limited to the A-1 Agricultural and the R-1A Low Density Transitional Residential Districts within Kochville Township.
- B. A solar energy facility shall not be permitted on land enrolled in a Farmland Development Rights Agreement under the Michigan PA 116 program.
- C. A solar energy facility is limited to sites of a minimum of 20 acres of land.
- D. A solar energy facility must comply with the requirements of this Chapter and other applicable chapters or sections of the Kochville Township Code of Ordinances.
- E. A solar energy facility shall be considered a special use in the township subject to Section 155.306 and 155.307 of the zoning ordinance.
- F. All improved areas, including disposal areas, shall be at least 60 feet from the public road right of way and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.
- G. Improved areas shall be at least 100 feet from any residential use, or church, measured from the lot line.
- H. All access roads and storage areas shall be established on a 30' minimum easement to a public right of way.
- I. All solar energy facilities shall have a minimum landscape buffer of 25 feet along any road or adjacent to a residential use. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting and in such a manner as to provide maximum effect of the buffer, such as staggering or double rows. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet.

Each owner, operator or maintainer of a solar energy facility shall maintain the landscape buffer so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed ten inches in height.

J. Any other relevant studies, reports, certificates and approval as may be reasonably required by Kochville Township.

K. A copy of the specifications of the proposed technology including type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.

L. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator that may be contacted 24 hours and 7 days a week.

#### **SECTION SEVEN. SITE PLAN REQUIRED**

A. Owners or operators of solar energy facilities established after the effective date of this ordinance shall present four (4) copies of a site plan which conform to the standards of this ordinance, and submit the required fee, to the Kochville Township Community Development Department. The site plan shall include setbacks, panel locations, any ground mounted electrical equipment, panel sizes, and location of property lines, buildings, road right of ways, utility easements, and buffer landscaping plan.

B. The owners shall submit a map analysis showing a radius of five (5) nautical miles from the center of the solar energy facility (SEF) with any airport operations within the area highlighted and such map shall be submitted with the permit application.

C. For consideration of potential impacts to low altitude airport flight paths, notification of intent to construct the SEF shall be sent to the Airport Zoning Authority having jurisdiction, at least forty five (45) days before the scheduled Planning Commission meeting. Notification shall include location of the SEF (i.e. map, coordinates, address, parcel ID), technology (i.e. ground-mounted fixed, tracked PV, solar thermal, etc.), and the area of the system (e.g. 20 acres). A copy shall be included with the permit application and site plan including the proof of delivery of the notification and date of delivery to the Airport Zoning Authority.

D. The owners shall submit copies of regulatory approvals from applicable state and federal agencies having jurisdiction.

E. A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required naming Kochville Township as additional insured. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the special use permit.

F. The Zoning Administrator or Township Zoning Consultant shall review the site plan and submit the plan to the Planning Commission within forty five (45) days of receipt and staff

- d. The timeframe for completion of decommissioning activities.
- e. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- f. The party currently responsible for decommissioning.
- g. Plans for updating this decommissioning plan.

**SECTION NINE: VIOLATION SHALL BE A MISDEMEANOR**

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500.00. Each day the solar energy facility shall be maintained or operated in violation of this ordinance shall constitute a separate liability offense.

**SECTION TEN: SEVERABILITY**

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

**SECTION ELEVEN: EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication and a copy of the ordinance is available for public use and inspection at the office of the Township Clerk.

This ordinance known as Ordinance 17-07, being the Solar Energy Facilities Ordinance, of the Kochville Township Zoning Ordinance, is hereby declared to have been adopted by the Kochville Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the 20<sup>th</sup> Day of November, 2017, and ordered to be given publication in a manner prescribed by law.

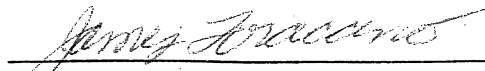
Motion by Trustee Thon and seconded by Trustee Ferrell to adopt Ordinance No. 17-07.

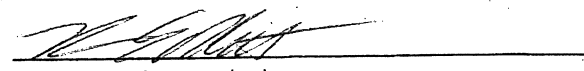
YEAS: Supervisor Loiacano, Clerk Machata, Treasurer Brewster, Trustee Ferrell & Trustee Thon

NAYS: None

ABSTAINS: None

ABSENT: None

  
\_\_\_\_\_  
James Loiacano, Supervisor  
Kochville Township

  
\_\_\_\_\_  
Kevin Machata, Clerk  
Kochville Township

State of Michigan }  
County of Saginaw } SS.

## Affidavit of Publication

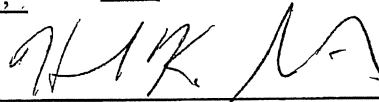
Howard K. Salisbury

being duly sworn, deposes and says (He/She) is the  
\_\_\_\_\_ editor \_\_\_\_\_ of the \_\_\_\_\_ Township View

public newspaper published in the Township of  
Chesaning in said county; that the annexed printed notice  
was duly printed and published for 1 successive  
week(s) in said paper at least once each week

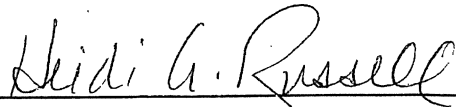
commencing on the 30th day of November,  
20 17, and ending on the 30th day of

November, 20 17.



Howard K. Salisbury

Sworn to and subscribed before me this 4th day of  
December, 20 17.



Notary Public, Acting in Saginaw County, Michigan

HEIDI A. RUSSELL  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF SAGINAW  
MY COMMISSION EXPIRES Dec 28, 2017  
ACTING IN COUNTY OF

My Commission Expires: \_\_\_\_\_

Saginaw

**KOCHVILLE TOWNSHIP  
NOTICE OF ORDINANCE ADOPTION & POSTING  
ORDINANCE No. 17-07**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the Kochville Township Board of Trustees held at 7:00 pm, on Monday, November 20, 2017, at 3265 Kochville Road, in roll call votes held at such meeting, the adoption of the revisions of the Kochville Township Zoning Ordinance to include Ordinance 17-07, also known as the Solar Energy Facilities Ordinance.

The ordinance will facilitate the construction, installation, and operation of solar energy facilities in Kochville Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential properties in line with the recommendations of the Township's Master Plan. Solar Energy Facilities are limited to the agricultural areas of the township.

The full text of the ordinance is available for public inspection at the Township Office at 5851 Mackinaw Road, Saginaw, Michigan 48604, and also available on the Township's web site at: <http://www.kochvilletwp.com/>

This Ordinance will be effective 30 days upon the publication of this notice.

Jim Loiacono, Supervisor  
Kevin Machata, Clerk