



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:

Grant E. Bauman

R2PC Principal Planner

(517) 768-6711

gbauman@co.jackson.mi.us

DATE: September 9, 2021

TIME: 6:00 p.m.

PLACE: 5th Floor Commission Chambers

Jackson County Tower Building

120 W. Michigan Avenue

Jackson, Michigan 49201

MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [**3 MINUTE LIMIT**]
3. Approval of minutes
Approval of the July 8, 2021, meeting minutes [**ACTION**] 3
4. Approval of agenda
Approval of the September 9, 2021, meeting agenda [**ACTION**]
5. Request(s) for review, comment, and recommendation
 - a. Consideration of township zoning amendment(s)
 - (1) CZ | #21-18 | Sandstone Township text amendment [**ACTION**] 5
 - (2) CZ | #21-19 | Sandstone Township text amendment [**ACTION**] 15
 - (3) CZ | #21-20 | Leoni Township rezoning [**ACTION**] 39
 - (4) CZ | #21-21 | Leoni Township rezoning [**ACTION**] 61
 - (5) CZ | #21-22 | Napoleon Township text amendment [**ACTION**] 79
 - (6) CZ | #21-23 | Pulaski Township text amendment [**ACTION**] 95
 - b. Consideration of master plan(s) – *None*
 - c. Farmland and Open Space Preservation Program (PA 116) application(s) – *None*
6. Other business
 - a. Unfinished business – Jackson County Master Plan
 - b. New business – *None*
7. Public comment [**2 MINUTE LIMIT**]
8. Commissioner comment
9. Adjournment

The next scheduled meeting of the Jackson County Planning Commission is October 14, 2021

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MEETING MINUTES

July 8, 2021

5th Floor Commission Chambers • Jackson County Tower Building • Jackson, Michigan

Members Present: Mr. Eric Beda, Industry and Economics; Ms. Pat Gallagher, At Large; Ms. Nancy Hawley, At Large; Mr. Ted Hilleary, Education; Mr. Russ Jennings, At Large; and Mr. Jim Videto, Agriculture

Members Absent: Mr. Timothy Burns, At Large; Mr. Roger Gaede, Environment; and Mr. Corey Kennedy, Jackson County Board of Commissioners

Liaisons Present: Mr. Grant Bauman, Principal Planner

Others Present: None

Item 1. **Call to Order and Pledge of Allegiance.** Chair Hawley called the meeting to order at 6:03 p.m. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2. **Public Comment.** There was no public comment.

Item 3. **Approval of Minutes.** Comm. Videto made a motion, seconded by Comm. Hilleary, to **approve** the June 10, 2021, meeting minutes as presented. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** Comm. Videto made a motion, seconded by Comm. Jennings, to **approve** the July 8, 2021, meeting agenda as presented. *The motion was approved unanimously.*

Item 5. **Request(s) for Review, Comment, and Recommendation.**

a. **Consideration of Township Zoning Amendment(s).**

(1) **CZ | #21-15 | Leoni Township**

Staff summarized his report regarding the proposed rezoning of a property located at 4946 Page Avenue and known as Parcel ID #000-14-04-451-009-00, to 'light industrial (ML)'. Staff advised County Planning Commissioners to recommend **disapproval** of the rezoning (please see the staff report). Also discussed was the recent 'ML' rezoning request at the corner of Sixth Street and Page Avenue; the Leoni Township Planning Commission and the JCPC both voted to recommend disapproval of that rezoning request.

Comm. Videto made a motion, seconded by Comm. Hilleary, to concur with the staff advisement to recommend **disapproval** of the proposed 'ML' rezoning to the Leoni Township Board. *Commissioners approved the motion unanimously.*

(2) **CZ | #21-16 | Pulaski Township**

Staff summarized his report regarding proposed text amendments that would

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amend the listings of permitted uses in the 'Agricultural (AG-1)', 'Local Commercial (C-1)', and 'Light Industrial (I-1)' districts to allow for 'recreational marihuana facilities' (in addition to 'medical marihuana facilities') in general and 'Commercial Recreational Marihuana Adult-Use Retail Centers' specifically in the 'C-1' and 'I-1' districts. Staff advised County Planning Commissioners to recommend **approval with comments** of the text amendments, noting the need for definitions regarding the new facilities (please see the staff report). Comm. Videto voiced concern about adding the new uses in the various districts without defining them. Comm. Hawley suggested referencing the state definitions.

Comm. Videto made a motion, seconded by Comm. Gallagher, to recommend **disapproval** of the proposed text amendments to the Pulaski Township Board, noting the need to define recreational marihuana and commercial recreational marihuana adult-use retail centers. *Commissioners approved the motion unanimously.*

(3) **CZ | #21-16 | Summit Township**

Staff summarized his report regarding the proposed rezoning of two Weatherwax Drive properties known as Parcel ID #000-13-17-287-060-00 and #000-13-17-287-057-06, to 'general commercial (C-2)'. Staff advised County Planning Commissioners to recommend **approval** of the rezoning (please see the staff report).

Comm. Jennings made a motion, seconded by Comm. Hilleary, to concur with the staff advisement to recommend **approval** of the proposed 'C-2' rezonings to the Summit Township Board (see the staff report). *Commissioners approved the motion unanimously.*

b. **Consideration of Master Plan(s).** None.

c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6. **Other Business.**

a. **Unfinished Business** – Jackson County Master Plan.

Staff reviewed the first draft of the Future Land Use map with the County Planning Commissioners. Commissioners agreed with the designation of the developed areas of Jackson County. However, Commissioners requested that the 'Developed Areas' designation be renamed 'Urban Developed Areas' and that the 'Agricultural Preservation' designation be renamed 'Rural Developed Areas'.

b. **New Business.** None.

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.** Comm. Jennings requests a change in the date and/or time of the JCPC meeting and requests that it be placed on the agenda for next month under new business.

Item 9. **Adjournment.** Chair Hawley adjourned the meeting at 7:00 p.m.

Respectfully submitted by:
Grant Bauman, Recording Secretary



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

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Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-18

To: County Planning Commissioners
From: Grant E. Bauman
Date: September 1, 2021

Proposal: **Medical Marihuana Caregiver Facilities in Sandstone Township**

Background Information

Sandstone Township wishes to allow the operation of medical marihuana caregiver operations in certain zoning districts. The proposed amendments would:

- Section 2.1: add pertinent definitions. *However, no definitions are provided to date.*
- Article 4: add “medical marihuana caregiver” as a conditional use in the Agricultural Residential (AG-1) [Sec. 4.1.2 W)], Rural Non-Farm Residential (RNF-1) [Sec. 4.2.2 N)], Suburban Residential (RS-1) [Sec. 4.3.2 L)], and Mobile Home Park (MHP) [Sec. 4.3.2 L)] districts. *The proposed amendments exclude the Multiple-Family Residential (RM-1) district despite single-family detached dwellings being a permitted use [Sec. 4.4.1 A)]. If there is an issue with allowing the use in multiple family dwellings, simply specify that the use is limited to single-family detached dwellings and mobile homes.*
- Article 7: add “medical marihuana care provider” to the listing of “additional development requirements for certain uses” [Sec. 7.11.27]. *The regulations are based upon standards adopted by Byron Township (Grand Rapids area), which survived legal scrutiny according to Sandstone Township.*

Staff Analysis and Advisement

The proposed regulations simply allow “registered primary caregivers” to provide “medical marihuana” to “registered qualifying patients” in most of the Township’s residential districts as well as the agricultural district. However, the Township Board should address several outstanding issues prior to the adoption of the regulations:

1. **Definitions.** No definitions regarding medical marihuana were included in the proposed amendments. At the very least, definitions should be established for “medical marihuana”, “registered primary caregiver” and “registered qualifying patient”. Staff further suggests that they be grouped together under a single heading.
2. **RM-1 District.** The Multiple-Family Residential (RM-1) District was the only residential zoning district excluded from the proposed amendments. Was this intentional or simply an oversight? If intentional, what is the reason? If an oversight, add to the listing of zoning districts.
3. **Consistency.** In order to maintain consistency, the title for Section 7.11.27 should be

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“Medical Marihuana Caregiver” rather than “Medical Marihuana Care Provider”.

Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **DISAPPROVAL WITH COMMENTS** of the zoning ordinance amendments regarding medical and recreational marihuana facilities to the Sandstone Township Board because of the absence of definitions staff (see the staff report).

Staff Report Attachments:

- *Background information provided by Sandstone Township.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Sandstone Charter TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____)
ZONE TO _____ (_____) ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE 7 SECTION 7.11.27

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) See Attached

C. **PUBLIC HEARING** on the above amendment was held on: month July day 13 year 2021

D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month June day 24 year 2021

(Notice must be provided at least fifteen days prior to the public hearing.)

E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: County Press

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Chris Crisenbery ☒ Chair or ☐ Secretary 8 / 5 / 2021 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

☐ Recommends APPROVAL of the zoning change

☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.

☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.

☐ Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

MODIFY SECTION 2.1 Definitions

MODIFY SECTION 4.1 AG-1, Agricultural Residential District

[Add the following to Section 4.1.2 – Conditional Land Uses]

W) Medical Marijuana Caregiver subject to the provisions of Section 7.11.27

MODIFY SECTION 4.2 RNF-1, Rural Non-Farm Residential District

[Add the following to Section 4.2.2 – Conditional Land Uses]

N) Medical Marijuana Caregiver subject to the provisions of Section 7.11.27

MODIFY SECTION 4.3 RS-1, Rural Suburban Residential District

[Add the following to Section 4.3.2 – Conditional Land Uses]

L) Medical Marijuana Caregiver subject to the provisions of Section 7.11.27

MODIFY SECTION 4.5 MPH, Mobile Home Park District

[Add the following to Section 4.5.2 – Conditional Land Uses]

D) Medical Marijuana Caregiver subject to the provisions of Section 7.11.27

MODIFY SECTION 7: Conditional Land Use Provisions

[Add the following to Section 7.11 – Additional Development Requirements for Certain Uses]

7.11.27 Medical Marijuana Care Provider

- A. A registered primary caregiver, operating in compliance with the Michigan Medical Marihuana Act, hereinafter (“MMMA”), the MMMA General Rules, and the requirements of this section, shall be permitted as regulated by this subsection. The Charter Township of Sandstone makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted and are consistent with the purposes and intent of the MMMA:

- (1) The MMMA does not create a general right for individuals to use, possess, or deliver marihuana in Michigan.

- (2) The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - (3) The MMMA's definition of "medical use" of marihuana includes the "transfer" of marihuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - (4) The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
 - (5) The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
 - (6) The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers, because this allows qualifying patients who suffer from serious or debilitating medical conditions symptoms to obtain the benefits of the medical use of marihuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - (7) By permitting the operations of registered primary caregivers within residential districts rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - i. a registered primary caregiver is not assisting more than five (5) qualifying patients with their medical use of marihuana, and
 - ii. a registered primary caregiver does not unlawfully expand its operations beyond five (5) qualifying patients, so as to become an illegal commercial operation, in the nature of a marihuana collective, cooperative or dispensary.
- B. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver:

- (1) A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
- (2) Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
- (3) The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), up to twelve (12) marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
- (4) A sign identifying, image or otherwise, or indicating that the medical use of marihuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- (5) Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- (6) Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of any marihuana.
- (7) Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.
- (8) No one under the age of 18 years shall have access to medical marihuana.
- (9) No on-site consumption or smoking of medical marihuana by qualifying patients shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- (10) Medical marihuana shall not be grown, processed, handled, or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.

- (11) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- (12) If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- (13) Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marihuana or medical marihuana derivatives.
- (14) To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Charter Township of Sandstone's Building Inspector or other individual designated by the township.
- (15) The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Charter Township of Sandstone's Building Inspector, any law enforcement officer, or other individual designated by the township.
- (16) The operations of a registered primary caregiver, shall be permitted only with the prior issuance of a Township permit.
- (17) A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
- (18) The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The Sandstone Township Police Authority or designee shall review the application to determine compliance with this Ordinance.
- (19) A permit shall be granted if the application demonstrates compliance with this Ordinance. The use shall be maintained in compliance with the requirements of

this Ordinance. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.

(20) Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

- C. Except as otherwise permitted by Township ordinance, or the Michigan Medical Marihuana Facilities Licensing Act, it is unlawful to establish or operate a for-profit or nonprofit medical marihuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marihuana.
- D. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable Township ordinance requirements must be met.
- E. The provisions of this subsection do not apply to the personal use and/or internal possession of marihuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.
- F. Should any section, sub-section, provision, word, or phrase of this Ordinance be determined to be invalid, the remaining portions of the Ordinance shall remain in full force and effect.
- G. Subject to the requirements of Home Occupations Section 5.10.1, Category One

JULY 13, 2021 SANDSTONE CHARTER TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Meeting called to order at 6:00 pm by Chairman Crisenbery

Roll Call: Donahue, Goodrich, Crisenbery, Cantrell present, Inosencio arrived 6:02, Goodrich exited meeting at 6:22

Motion to approve agenda by Commissioner Cantrell, seconded by Commissioner Donahue, motion carried

Motion to accept minutes as presented by Commissioner Goodrich, seconded by Commissioner Donahue, motion carried

Motion to open public meeting by Donahue, seconded by Inosencio, motion carried

Public hearing regarding Medical Marihuana Caregiver Ordinance

No public comments were made

Motion to close public hearing by Goodrich, seconded by Inosencio, motion carried

Motion to approve ordinance as presented by Goodrich, Seconded by Inosencio, motion carried.

Medical Marihuana Caregiver ordinance approved unanimously.

Old Business: Regarding solar and wind ordinances, commission may need to update these ordinances. Cantrell will research the solar ordinances and Goodrich will research wind energy ordinances. Both will present findings at September meeting.

New Business: Resident Jerry Bailey may ask for land revisions and zoning revisions regarding parcels on Sandstone and Michigan Avenue, public meeting will be announced accordingly

Sandstone Township has purchased Michigan Township Association subscription for additional education and training on pertinent topics to township planning, these courses are accessible to all members of planning commission

Motion to Adjourn by Donahue, seconded by Inosencio, motion carried. Meeting adjourned at 6:37 pm.

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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

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COORDINATED ZONING REPORT | #21-19

To: County Planning Commissioners
From: Grant E. Bauman
Date: September 1, 2021

Proposal: **Sign Regulations in Sandstone Township**

Background Information

Sandstone Township wishes to amend the sign regulations in its Zoning Ordinance to conform to the U.S. Supreme Court ruling in Reed v. the Town of Gilbert. Sign regulations need to be content neutral. The proposed amendments would:

- Section 2.1: add pertinent definitions.
- Article 9: amend various sections of the Signs article pertaining to illumination, roof signs, signs that do not require a permit, signs subject to permit or other approval, free-standing signs, and nonconforming signs.

Staff Analysis and Advisement

The Township Board should address several outstanding issues prior to the adoption of the regulations:

1. **Definitions.** The definition for “abandoned sign” cites a business no longer in operation as the criteria. JCPC staff notes that uses other than a business can also be abandoned. The definitions for “off-premises sign” and “on-premises sign” are confusing and open to interpretation. The definition for “on-premises sign” contains a word “warrants” that should most likely be “warns”.
2. **Location.** Section 9.2.1 states that signs cannot be located within township-owned public rights-of-way without a revocable license. Staff notes that the Jackson County Department of Transportation and the Michigan Department of Transportation also maintain rights-of-way in the Township.
3. **Roof Signs.** Staff notes that the exception regarding roof signs created with roofing shingles or paint will extend to all accessory buildings in the AG-1 (Agricultural) District, not just those associated with a farm.
4. **Incidental Signs.** There is no definition for incidental signs, making its meaning unclear (Section (c) of the Table of Sign Standards for Signs That Do Not Require a Permit).
5. **Construction Site Signs.** Regulating construction site signs separately from other temporary signs may be a violation of Reed v. Town of Gilbert. The sign’s content must be read to categorize it (Section (c) of the Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified).

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6. **Electronic and Other Changeable Message Boards.** An Electronic Changeable Message Board is not defined (Section (d) of the Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified).
7. **Freestanding Signs.** The rights-of-way of Jackson County Department of Transportation roads are cited, but there are also rights-of-way owned by the Michigan Department of Transportation (Section (e) of the Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified).
8. **Projecting Signs.** Projecting signs are not defined (Section (h) of the Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified).
9. **Wall Signs.** Wall signs were not defined (Section (k) of the Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified).
10. **Secondary Signs.** The table pertaining to Secondary Signs should be located directly after Section 9.3.1 C. Should the asterisk message read “*Second freestanding sign shall be located not less than twenty-five feet from the property line”?

JCPC staff is concerned that the amendments were recommended for approval by the Sandstone Township Planning Commission in August of 2017. Although there is no official clock regarding adoption by the Township Board, this appears to be an excessive time period.

Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the zoning ordinance amendments regarding sign regulations to the Sandstone Township Board with the comments/suggestions made by staff (see the staff report).

Staff Report Attachments:

- *Background information provided by Sandstone Township.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Sandstone Charter TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____)
ZONE TO _____ (_____) ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE 9 SECTION 9.1-9.7

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) See attached

C. **PUBLIC HEARING** on the above amendment was held on: month August day 2 year 2017

D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month July day 18 year 2017

(Notice must be provided at least fifteen days prior to the public hearing.)

E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: County Press

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Chris Crisenbery ☐ Chair or ☐ Secretary 8 / 5 / 2021 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- ☐ Recommends APPROVAL of the zoning change
☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
☐ Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

Article 2

Definitions

Section 2.1 Definitions.

The follow are to be included as additional definitions under sign:

Abandoned Sign. Any sign that is still on a residential property for three (3) months, a commercial property for six (6) months or industrial property for nine (9) months after a business no longer operates at the location

Awning. A fixed or retractable shelter constructed of non-rigid materials on a supporting framework which projects from the exterior wall of a building.

Awning Sign. A sign affixed flat against the surface of an awning or inscribed on an awning.

Changeable Message Board. The portion of a sign on which copy is changed manually.

Conforming Sign. Any sign that is allowable under Article 9.

Drive-thru Board. A sign located within ten (10) feet of either side of a drive-thru lane.

Flags. Fabric, canvas or other similar material that is mounted to a pole or a building at one or more edges.

Gas Station Canopy Sign. A sign located at a gas station attached directly to the elevated canopy that covers pump islands.

Ingress/Egress Sign. A sign located within ten (10) feet outside of the clear vision area (see illustration in Section 2.2) that is formed at the corner intersection of two (2) public rights-of-way and/or the intersection of a driveway and a public right-of-way.

Limited Access Highway. Every freeway, highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only, and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Monument (ground) Sign. Any sign attached to a permanent foundation of at least equal length to the sign structure and not attached to a building, pole, posts, or similar uprights.

Nonconforming Sign. Any sign that was lawfully permitted at the time it was erected, but is not permitted under current ordinance.

Off-Premises Sign. Any sign at a different location from the parcel where the sign is installed and maintained.

On-Premises Sign. Any sign located on the premises where the sign is installed and maintained.

Parking Lot Sign. Any sign located within a public or private - parking lot.

Roof Sign. Any sign that extends above the top of the facade or eave line, and is exclusively mounted to the roof of the building or is incorporated into the material which clad a building roof.

Swinging Sign. Any sign suspended from a horizontal or near horizontal support or arch.

Temporary Banner. A sign of lightweight fabric or similar material that is temporarily mounted or attached to a pole or a building.

Temporary Event Sign. A temporary or portable sign concerning a special event.

Temporary Freestanding Commercial/Industrial Yard Sign. Any sign located in the front or side yard and constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and appears to be intended to be displayed for a limited period of time.

Temporary Freestanding Residential Yard Sign. Any sign located in the front or side yard and constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and appears to be intended to be displayed for a limited period of time.

Warning Sign. Any sign that warrants of a potential danger, hazard or health risk.

Window Signs. Any signs affixed to the interior or exterior glass surfaces of windows or doors and are visible from outside the structure.

Article 9

Signs

Section 9.1 Intent and Purpose.

The intent of this Ordinance is to regulate the location, size, construction type, illumination, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare and protect property values and community character. While this Ordinance recognizes that signs and billboards (outdoor advertising) are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

Section 9.2 General Conditions.

921. *Location.* All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein. Unless otherwise permitted herein, no signs, except those established by the township, county, state, or federal government, may be located, projected onto, or overhang any township-owned public right-of-way unless a revocable license is issued by the township attorney.

922. *Illumination.* Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign (i.e. front lit signs) or internal to it (i.e. back lit signs). No sign shall be illuminated by any open spark or flame, intermittent, or flashing illumination, except as otherwise permitted by this chapter.

(1) *Front lit signs.* "Front lit signs" are signs that are illuminated by an external light source. An example of a front lit sign is a monument sign that is illuminated by a spot light that is located several feet in front of the sign. The background of front lit signs may be any color, provided they are not reflective at night. However, such signs may use light reflecting lettering and messaging. The light from front lit signs shall be directed in a manner that will not interfere with vehicular traffic or interfere with the enjoyment or use of adjacent properties.

(2) *Back lit signs.* "Back lit signs" are signs that are illuminated by an internal light source. An example of a back lit sign is a monument sign that is illuminated by several fluorescent bulbs that are located within the sign cabinet. The background of back lit signs may be any color—which complements the character of the surrounding area (except white)—provided the background is blacked out at night so that only the lettering and message is illuminated.

~~A. No sign shall be illuminated by other than electrical means.~~

~~B. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or interfere with the enjoyment or use of adjacent properties.~~

923.

Safety.

A. All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.

B. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.

C. No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window or fire escape.

924.

Signs Prohibited in All Districts.

- A. Roof signs. Permanent signage created with roofing shingles or painted on the roof of a barn or accessory building in the AG-1, Agricultural District shall be allowed.
- B. Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts which may distract drivers. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed.
- C. Signs affixed to trees, rocks, shrubs, or similar natural features except signs denoting a site of historic significance.
- D. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- E. Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs. Signs permanently painted on or otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be allowed.
- F. Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property.
- G. Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
- H. Any sign unlawfully installed, erected, or maintained.

925.

Signs allowed in All Districts without permit.

~~A. Nameplates not exceeding two (2) square feet in size.~~

~~B. Political signs for public office or issues to be determined by election may be erected forty five (45) days prior to an election. Such signs shall be erected on private property only and no less than one hundred (100) feet from any entrance to a building in which a polling place is located. All such signs shall be removed five (5) days following Election Day.~~

~~C. Directional signs which indicate the direction of traffic flow on private property. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.~~

~~D. Street numbers.~~

~~E. Signs displayed by individuals on their own property advertising garage and other incidental sales of personal merchandise, sales of seasonal items, and similar items. This includes signs in agricultural zoned or used property for the sale of products grown on the premises. The types of signs above shall not exceed twelve (12) square feet.~~

~~F. Real Estate signs of six (6) square feet or less per Section 9.5.1 of this Ordinance.~~

Table of Sign Standards for Signs That Do Not Require a Permit (in this Table)

	<u>Sign Types, Districts Permitted, Required Approvals</u>	<u>Size Restrictions</u>	<u>Additional Restrictions</u>
(a)	<u>Drive-Thru Boards.</u> <u>Permitted in the C-1, C-2, and LI Districts.</u>	<u>Total Sign Area. Total surface area not to exceed sixteen (16) square feet.</u> <u>Height. No sign shall exceed a maximum height of six (6) feet from grade.</u>	<u>Direct illumination is prohibited.</u>
(b)	<u>Flags.</u> <u>Permitted in all districts.</u>	<u>Total Sign Area. Aggregate of all signs shall not exceed thirty-two (32) square feet</u>	
(c)	<u>Incidental Signs.</u> <u>Permitted in all districts.</u>	<u>Total Sign Area. Total number of signs shall not exceed an aggregate side face area of six (6) square feet.</u> <u>Single Sign Area. The total sign's surface for a single sign shall not exceed two (2) square feet.</u>	<u>No sign shall be placed in a public right-of-way.</u> <u>Direct illumination is prohibited.</u>
(d)	<u>Ingress/Egress Signs.</u> <u>Permitted in all districts.</u>	<u>Total Sign Area. Total surface area not to exceed three (3) square feet per sign face.</u> <u>Height. No sign shall exceed a maximum height of five (5) feet from grade if mounted to the ground.</u>	<u>Such signs must be attached to existing sign posts if available or as otherwise allowed the zoning administrator. The plan for the location of such signage must be approved by the zoning administrator.</u> <u>No sign shall be placed in a public right-of-way.</u> <u>Direct illumination is prohibited.</u>
(e)	<u>Parking Lot Signs.</u> <u>Permitted in all districts.</u>	<u>Total Sign Area. Total surface area shall not exceed sixteen (16) square feet per sign face.</u> <u>Height. No sign shall exceed a maximum height of six (6) feet from grade if mounted to the ground.</u>	<u>No sign shall be placed in a public right-of-way.</u> <u>Direct illumination is prohibited.</u>

(f)	<u>Temporary Freestanding Commercial and Industrial Yard Signs and Swinging Signs.</u> Permitted in the C-1, C-2, and LI Districts.	<u>Number.</u> Total number of signs shall not exceed an aggregate side face area of twenty (20) square feet. <u>Single Sign Area.</u> The total sign's surface for a single sign shall not exceed eight (8) square feet. <u>Height.</u> No sign shall exceed a maximum height of four (4) feet.	<u>No sign shall be in place for a period exceeding six (6) consecutive months.</u> <u>Swinging signs may be wall or ground mounted and only.</u> <u>No sign shall be placed in a public right-of-way</u> <u>Direct illumination is prohibited.</u>
(g)	<u>Temporary Freestanding Residential Yard Signs and Swinging Signs.</u> Permitted in the AG-1, RNF-1, RS-1, RM-1, and MHP Districts	<u>Number.</u> Total number of signs shall not exceed an aggregate side face area of eighteen (18) square feet. <u>Total Sign Area.</u> The total sign's surface for a single sign shall not exceed six (6) square feet. <u>Height.</u> No sign shall exceed a maximum height of four (4) feet.	<u>No sign shall be in place for a period exceeding three (3) consecutive months.</u> <u>Swinging signs may be wall or ground mounted.</u> <u>No sign shall be placed in a public right-of-way</u> <u>Direct illumination is prohibited.</u>
(h)	<u>Warning Signs.</u> Permitted in all districts.	<u>Total Sign Area.</u> For warning signs located in the AG-1, RNF-1, RS-1, RM-1, and MHP Districts, the total surface area for a single sign face shall not exceed three (3) square feet. For warning signs located in the C-1, C-2, and LI Districts, the total surface area for a single sign face shall not exceed six (6) square feet.	<u>When required by local, state or federal law, the sign shall be placed in a conspicuous location that is reasonably expected to notify persons of potential hazard. Unless state or federal law requires a different size.</u> <u>No sign shall be placed in a public right-of-way</u> <u>Direct illumination is prohibited.</u>
(i)	<u>Window Signs.</u> Permitted in all districts.	<u>Total Sign Area.</u> In total the message shall cover no more than ¼ of the front window area.	<u>Signs shall be affixed directly to the window.</u> <u>Front lit illumination is prohibited in all districts. Back lit illumination is allowed in the C-1, C-2, and LI Districts.</u>

Sec. 9.3. - Signs subject to permit or other approval.

The signs outlined in the following table are subject to a permit or other approval as indicated. Unless stated otherwise within the chapter, all other sign types are exempt from the permit requirements. The design requirements and other provisions for each sign are also described. permit application requirements are found in section 9.8. These signs include the following and are defined in Section 2.1.

<u>Table of Sign Standards for Signs Subject to a Permit Unless Otherwise Specified (in this Table)</u>			
	<u>Sign Types, Districts Permitted, Required Approvals</u>	<u>Size Restrictions</u>	<u>Additional Restrictions</u>
(a)	<u>Awning Signage.</u> Permitted in the C-1, C-2, and LI Districts, subject to the sign permit.	<u>Number.</u> One (1) per property or business entrance. <u>Total Sign Area.</u> Message shall not cover more than 1/3 of the apron of each awning.	<u>All or a portion of the permitted awning signage area may be used towards wall signage.</u> <u>The apron of the awning must be at least nine (9) feet above ground level or sidewalk.</u> <u>Sign materials and sign colors must</u>

			<u>complement the building(s) located on the site and emulate the neighborhood.</u>
(b)	<u>Billboards.</u> <u>Permitted only in the LI, Light Industrial Zoning District, subject to a Conditional Use Permit (see section 9.6).</u>		
(c)	<u>Construction Site Signs.</u> <u>[Permitted] in the C-1, C-2, and LI Districts. Districts, subject to the sign permit.</u>	<u>Total Sign Area. Nonresidential construction site sign size shall not exceed an aggregate of sixty-four (64) square feet; no one sign shall exceed thirty-two (32) square feet.</u> <u>Height. Shall not exceed ten (10) feet.</u>	<u>All signs shall be erected during the construction period. Such signs shall be removed no more than fourteen (14) days after the date that development or phase is completed. The developer may request a permit renewal from the zoning administrator, or his/her designee, following all of the pertinent procedures of the original approval if additional time is needed for the project or for additional phases. In addition to permit requirements, permit renewal requests will consider the current condition and quality of the existing sign and whether replacement or repair is necessary. No construction site signs shall be placed in the public right-of-way.</u>
(d)	<u>Electronic and Other Changeable Message Board.</u> <u>Permitted in the C-1 and C-2 Districts, and nonresidential uses in residential districts, subject to a sign permit.</u> <u>Electronic Message Boards are only allowed on lots with at least one hundred (100) feet of continuous street frontage.</u>	<u>Number. One (1) per lot.</u> <u>Total Sign Area. The electronic or other changeable message board sign shall not exceed twenty-five percent (25%) of the total freestanding sign area proposed.</u>	<u>Only permitted as part of a permitted freestanding sign, cannot stand alone. An electronic or other changeable message board located on street frontage shall only have a static message or image that changes at the rate of not more than one (1) change per thirty (30) seconds, the message change occurs instantaneously, without use of scrolling, flashing, fading, blinking, or other similar transitions. The board shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement varying light intensity, of any part of the board, design or pictorial segment of the board. The change of message using dissolve or fade transition shall not exceed one second of time between each message displayed on the board. The maximum luminance produced by the sign shall not exceed three-tenths foot candles greater than the ambient light level. The light level produced by the sign shall be measured using the following</u>

			<p><u>equation based on typical sign-to-viewer distance: the square root of the product of the sign area and 100. Example using a 12 square-foot sign: $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.</u></p> <p><u>Automatic dimming capability shall adjust the signs illumination to the ambient light at all times of the day or night.</u></p>
(e)	<p><u><i>Freestanding Signs.</i></u> <u>Permitted in all districts.</u></p>	<p><u>Number. Per the requirements in Section 9.3.1</u></p> <p><u>Total Sign Area. Thirty-two (32) square feet per sign face in the C-1 District, fifty (50) square feet per sign face in the C-2 and LI Districts, Thirty-two (32) square feet per sign face for non-residential use in all other districts, and Six (6) square feet per sign face for residential use in all other districts.</u></p> <p><u>Height. Twelve (12) feet in C-1, C-2 and LI Districts, six (6) feet for non-residential use in all other districts, and four (4) feet for residential home occupation in all other districts.</u></p>	<p><u>All freestanding signs shall be located outside of the Jackson County Road Right-of-way or private road easement, and a minimum of ten (10) feet to any adjacent property line.</u></p> <p><u>In no case, may the sign violate the provisions of the illustration in section 2.2, clear vision requirements</u></p> <p><u>Sign materials and sign colors must complement the building(s) located on the site.</u></p> <p><u>Section 9.3.1 – Requirements and restrictions for secondary signs alone I-94 Corridor.</u></p>
(f)	<p><u>Gas Station Canopy Signage.</u> <u>Only permitted in the C-1 and C-2 Districts, subject to a sign permit.</u></p>	<p><u>Number. Up to three (3).</u></p> <p><u>Total Sign Area. Shall not exceed eight (8) square feet per sign and each sign shall be contained in the canopy facade.</u></p>	<p><u>The face of the canopy shall not be internally illuminated, if proposed as such, the entire canopy area will be considered part of the sign, unless the canopy is a dark color and the letters are light and illuminated.</u></p>
(h)	<p><u>Projecting Signs.</u> <u>Only permitted in the C-1 and C-2 Districts, subject to a sign permit.</u></p>	<p><u>Total Sign Area. The sign shall not exceed sixteen (16) square feet in area with a maximum width of two (2) feet measured from the inside edge of the sign which shall be no more than six (6) inches from the exterior wall of the structure.</u></p> <p><u>Height. Projecting signs must be affixed to the front façade of the business and allow a nine (9) foot clearance from the bottom of the sign to the sidewalk. The top of the sign shall not be installed at a height taller than the bottom of the second floor or between the parapet and the windows of a single-story structure.</u></p>	<p><u>The applicant is permitted a projecting sign in place of one (1) of the allowable wall signs.</u></p>

(j)	<u>Temporary Banners.</u> <u>Permitted in all districts</u> <u>subject to a sign permit.</u>	<u>Number. One (1) per street front.</u> <u>Total Sign Area. Shall not exceed an</u> <u>area of thirty-two (32) square feet.</u>	<u>Shall be permitted to be displayed for up</u> <u>to thirty (30) days. Signs are limited to no</u> <u>more than three (3) events per calendar</u> <u>year.</u> <u>If mounted to the ground, a two-sided</u> <u>sign is permitted but shall not exceed the</u> <u>maximum sign dimensions. In no case,</u> <u>may the sign violate the provisions of the</u> <u>illustration in section 2.2, clear vision</u> <u>requirements.</u>
(j)	<u>Temporary Event Signs.</u> <u>Permitted in all districts.</u>	<u>Number. One (1) per event.</u> <u>Total Sign Area. Shall not exceed an</u> <u>area of twelve (12) square feet. Signs in</u> <u>the right-of-way may not be more the</u> <u>four (4) feet tall or four (4) feet wide.</u>	<u>The temporary signs noted in this section</u> <u>may not be displayed more than ten (10)</u> <u>consecutive days in any thirty (30) day</u> <u>period.</u> <u>If mounted to the ground, a two-sided</u> <u>sign is permitted but shall not exceed the</u> <u>maximum sign dimensions. In no case,</u> <u>may the sign violate the provisions of the</u> <u>illustration in section 2.2, clear vision</u> <u>requirements.</u>
(k)	<u>Wall Signs.</u> <u>Permitted in all districts.</u>	<u>Number. Per the requirements in</u> <u>Section 9.3.2 (C)</u> <u>Total Sign Area. One (1) square foot for</u> <u>each lineal foot of building frontage not</u> <u>to exceed a total of one hundred (100)</u> <u>square feet in the C-1, C-2 and LI</u> <u>Districts, one (1) square foot for each</u> <u>lineal foot of building frontage not to</u> <u>exceed a total of twenty (20) square feet</u> <u>for non-residential uses in all other</u> <u>districts and, three (3) square feet</u> <u>maximum for residential home</u> <u>occupation is all other districts.</u> <u>Height. Signs shall not extend above</u> <u>the roof line of the structure it is</u> <u>mounted to.</u>	<u>Wall signs may be placed anywhere on a</u> <u>building or accessory structure (such as a</u> <u>gas station or drive-through window</u> <u>canopy) provided it meets the height</u> <u>requirements.</u> <u>All or a portion of the permitted wall sign</u> <u>area may be used towards awning</u> <u>signage.</u>

Section 9.3.1 *Freestanding Signs.*

9.3.1. General Requirements.

A. One (1) freestanding sign shall be allowed per lot which has frontage on only one (1) public road. For the purposes of determining freestanding sign requirements, two (2) or more lots used in combination for a single business and/or development shall be considered a single lot.

B. Two (2) freestanding signs shall be allowed per lot which has

frontage on two (2) public roads. For the purposes of determining freestanding sign requirements, two (2) or more lots used in combination for a single business and/or development shall be considered a single lot. One (1) sign shall not exceed the area requirements set forth herein. The second sign shall not exceed fifty (50) percent of the area requirements set forth herein.

~~C. All freestanding signs shall be located outside of the Jackson County Road Right-of-way or private road easement, and a minimum of ten (10) feet to any adjacent property line.~~

C) For commercial or industrial zoned properties having frontage on one (1) public road AND one (1) limited access highway (I-94), a second freestanding on-premises sign, intended to be visible to traffic on the limited access highway, is permitted; off-premises signage is strictly prohibited. The sign shall not be less than twenty-five feet or more than fifty feet from the highway right-of-way line and shall not be less than 100 feet from any other freestanding sign.

D. All freestanding signs shall be located outside of the Federal, State, and/or County right-of-way or private road easement, and a minimum of ten (10) feet to any property line.

~~9.3.2. Specific Requirements. Freestanding signs shall be allowed by District in accordance with the following requirements.~~

<u>Secondary Signs</u>	<u>Maximum Height</u>	<u>Maximum Area</u>
<u>All Commercial and Industrial Districts with frontage on N. Dearing Rd. AND I-94* (All permitted and conditional uses.)</u>	<u>Fifteen (15)</u>	<u>One Hundred (100) square feet per side, not to exceed a total of two hundred (200) square feet.</u>
<u>All Commercial and Industrial Districts with frontage on N. Parma Rd. AND I-94* (All permitted and conditional uses.)</u>	<u>Fifteen (15)</u>	<u>One Hundred (100) square feet per side, not to exceed a total of two hundred (200) square feet.</u>
<u>All Commercial and Industrial Districts with secondary frontage on I-94* (All permitted and conditional uses.)</u>	<u>Twenty-five (25)</u>	<u>One Hundred Fifty (150) square feet per side, not to exceed a total of three hundred (300) square feet.</u>

*Second freestanding sign shall be located not less than twenty-five feet from the property

<u>District</u>	<u>Maximum Height</u>	<u>Maximum Area</u>
A. C-1 District. All permitted and conditional uses.	Twelve (12) feet	Thirty-two (32) square feet per side, not to exceed a total of sixty-four (64) square feet.
B. C-2 and LI Districts. All permitted and conditional uses.	Twelve (12) feet	Fifty (50) square feet per side, not to exceed a total of one hundred (100) square feet.
C. All other Districts — For non-residential permitted and special uses. — Identification signs for subdivisions or other residential developments. — Home Occupation.	Six (6) feet Four (4) feet	Thirty-two (32) square feet per side, not to exceed a total of sixty-four (64) square feet, Six (6) square feet per side, not to exceed a total of twelve (12) square feet.

~~Section 9.4~~ 9.3.2 *Wall Signs.*

~~The following wall signs shall be allowed in the following districts in
accordance with the regulations herein.~~

~~9.4.1.~~ *General Requirements.*

A. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.

B. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, or nails.

C. There shall be no more than one (1) wall sign allowed for each building. Buildings which have frontages on two (2) public rights-of-way are allowed a wall sign on both building frontages, provided total square foot area requirements set forth in Section ~~9.4.29.3~~ 9.4.29.3, are not exceeded.

9.4.2. ~~Specific Requirements.~~ Wall signs shall be allowed by the District in accordance with the following requirements:

<u>District</u>	<u>Area</u>
A. C-1, C-2, and LI Districts. All permitted and conditional uses.	One (1) square foot for each lineal foot of building frontage not to exceed a total of one hundred (100) square feet.
B. All other Districts. For non-residential permitted and special uses.	One (1) square foot for each lineal foot of building frontage not to exceed a total of twenty (20) square feet.
Home Occupations.	Three (3) square feet maximum.

Section 9.5 ~~Real Estate Signs.~~

9.5.1 ~~One (1) nonilluminated sign used for advertising land or buildings for rent, lease, or sale shall be allowed in any district provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet in all districts. Such signs shall be allowed in all districts without a permit. Such sign shall be removed within seven (7) days within sale rental or leasing.~~

9.5.2 ~~Temporary portable real estate directional sign, not exceeding three (3) s.f. in area and four (4) in number, saying "Open House" and/or showing a directional arrow and placed back of property lines outside the public right-of-way shall be allowed on approach routes to an open house, only for the day of the open house. The top of such signs shall not exceed three (3) feet in height, nor may such signs be displayed for more than two (2) days in any seven (7) day period. No such signs shall be placed on private property without the consent of the owner. A permit is not required for this type of sign.~~

9.5.3 ~~Unilluminated on site temporary. Real Estate and Development Signs may be erected in accordance with the regulations of this ordinance:~~

A. ~~Large tract residential development (more than two [2] residential units). In all residential districts, one (1) sign for each public street advertising an approved residential development shall be allowed. Each sign shall not exceed twenty (20) s.f. in area. Such a sign may indicate the development name and the address or telephone number where the inquiry can be made. It shall have a maximum height of ten (10) feet and shall be set back at least twenty (20) feet from any street right-of-way or private road easement. Each sign shall be removed after the sale of ninety (90)~~

~~percent of all lots or units within said development or within two (2) years after date of erection, whichever occurs first.~~

~~B. Large tract commercial and/or industrial development (five [5] acres or more). Such developments may have temporary signs identifying the site as for sale or lease of up to a maximum of one hundred (100) s.f. One (1) sided signs only are allowed. Location shall be generally parallel to the right of way and shall be on the tract identified. It shall have a maximum height of ten (10) feet and shall be set back at least twenty (20) feet from any street right of way or private road easement. These signs shall be removed when approximately seventy five (75) percent of the tract is leased or sold or after five (5) years has elapsed from erecting, whichever comes first. These limits may be extended upon application to the Township Zoning Administer in one (1) year increments.~~

~~9.54 One (1) nonilluminated freestanding sign listing persons or firms connected with construction work being performed. Such signs shall not exceed twenty (20) square feet in area and a height of twelve (12) feet, and shall be removed upon completion of said construction work or one (1) year after the date of erection, which ever occurs first.~~

Section 9.65

Billboards.

The following regulations shall apply to billboards:

9.5.1 *Where Allowed.* Billboards (outdoor advertising) shall be allowed only in the LI-Limited Industrial District, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.

9.5.2 *Spacing.*

A. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. Double-faced and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem or stacked billboard faces shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection B below.

B. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.

C. No billboard shall be located within two hundred (200) feet of residentially zoned or used property. An illuminated billboard shall be located at least three hundred (300) feet from residentially zoned or used property.

D. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.

9.5.3 The height of a billboard shall not exceed thirty (30) feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.

9.5.4 *Surface Area.* The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.

9.5.5 *Illumination.* A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be allowed to rotate or oscillate.

9.5.6 *Construction and Maintenance.*

A. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.

B. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

Section 9.76 ~~Miscellaneous Signs.~~ **Nonconforming signs.**

The goal is to eliminate nonconforming signs, except as otherwise specifically set forth in this section. Any lawfully erected sign, which is made unlawful by this chapter, may continue exactly as the sign existed at the time when the sign became unlawful under the provisions of this chapter.

~~9.7.1. *Directory Signs.* For office park and industrial park development, directory signs which identify only the names and locations of occupants or uses within a~~

~~building on a lot shall be allowed in addition to other signs allowed under these regulations.~~

~~A. No more than one (1) directory sign per lot is allowed.~~

~~B. No directory sign shall exceed twenty four (24) square feet in area or six (6) feet in height from finished grade.~~

~~C. A directory sign shall be located in a manner which does not interfere with vehicular and pedestrian circulation but enhances the visibility of and direction to office or industrial park tenants.~~

~~9.7.2 Menu Board. One (1) menu board for a drive-in or drive-through restaurant shall be allowed in addition to other signs allowed under these regulations, provided such sign does not exceed sixteen (16) square feet in area or six (6) feet in height from finished grade.~~

~~9.7.3. Off-premise Directional Signs. Off-premise directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of the Planning Commission and the following standards:~~

~~A. No more than two (2) signs per use shall be allowed.~~

~~B. The size of an off-premise directional sign shall not exceed four (4) square feet in size.~~

~~C. The height of an off-premise directional sign shall be no less than three (3) feet nor exceed six (6) feet. However, variations in height may be granted by the Planning Commission.~~

~~D. Illumination shall not be allowed.~~

~~E. Proof shall be supplied by the applicant that all appropriate standards of the Jackson County Road Commission are met. Permission of the property owner where the proposed sign is to be located must be provided.~~

~~9.7.4 Temporary signs which include signs advertising the opening of a new business, sales, change in hours of operation, and the conduct of commercial activities during other than regular business hours. Temporary banners and tethered balloons are part of this section. The temporary signs noted in this section may not be displayed more than ten (10) consecutive days in any thirty (30) day period.~~

Section 9.87 Permits Required.

97.1. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit. A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance.

9.72. When a sign permit has been issued by the Township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.

9.73. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant.

9.74. The application for a sign permit shall be accompanied by the following plans and other information;

- A. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- B. The location by street address of the proposed sign structure.
- C. Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
- D. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
- E. Application for, and required information for such application, an electrical permit for all electrical signs if the person building the sign is to make the electrical connection.
- F. A statement of valuation.



Carlisle | Wortman
ASSOCIATES, INC.

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

MEMORANDUM

TO: Sandstone Township Board of Trustees
FROM: Chris Atkin, Township Planner
DATE: August 3, 2017
RE: Definitions and Signage – Zoning Ordinance Amendment

Throughout the previous year's Planning Commission meetings, we have placed diligent focus on amending sign ordinance regulations and language. Taking into consideration the 2015 Supreme Court *Gilbert vs. Reed* decision, we amended Article 9 to provide a content neutral sign ordinance by only regulating the sign type, location, size, and illumination. Furthermore, the list of sign definitions has been amended to match the new language of Article 9.

On August 2, 2017, the Sandstone Township Planning Commission held a public hearing to received comments regarding the proposed amendments. No comments were received. After deliberation and discussion, Commissioner Blaine Goodrich moved to recommend to the Township Board approval of the Amended Section 2.1 Definitions-Add sign types and definitions and to Amend Article 9 as published and distributed. Commissioner Cheryl Marks supported the motion. Motion passed unanimously.

Attached, please find the amended language; all modifications are denoted using strikethrough and underline. Included is are two (2) versions of each, one version includes all additions and deletions denoted using red strikethrough and underline. The other version is a clean final draft of how it will appear once codified.

If you have any questions, please do not hesitate to contact me.

CARLISLE/WORTMAN ASSOC., INC.
Christopher Atkin
Planner

Sandstone Charter Township Planning Commission Meeting Minutes August 2, 2017

ATTENDANCE: Chris Crisenbery, Peggy Eiler, Blaine Goodrich, Cheryl Marks

GUESTS: Chris Atkin, Ken Powers, Trevin and Heather Fisher

Vice Chairman Crisenbery, acting as chair in the excused absence of Chairman Greg Inosencio, called the meeting to order at 6:02 p.m. in the township hall.

Peggy Eiler moved to approve the agenda as written. Blaine supported the motion. Motion passed. Cheryl Marks moved to approve the minutes as written of the Special May 23, 2017 meeting. Peggy Eiler supported the motion. Motion passed.

PUBLIC COMMENT: The Fishers of 4001 N. Dearing Rd. spoke about their frustration with their neighbor and the fence she installed on the property line, just at the line. Ken Powers met with the neighbor to reduce the height to meet the ordinance. Their continued concern is the various colors of the fence sections. It is an eyesore to them. They do not want to have to spend money to put up a fence/landscape just to hide her mismatched fencing. They claim it is a personal "vendetta" with them. The problems have been going on since they bought the 1-acre property in 2010. They asked if an ordinance existed to deal with this concern. Our consultant read Ordinance 5.2 A and B, but it does not really address their issue. It could be possible considered a visual nuisance. Color would be hard to enforce. Even if we created a new ordinance it would not be retroactive to their issue. We suggested various solutions. Perhaps Keith Acker the supervisor could talk to the neighbor lady. Ken Powers has already handled the height issue, which the lady had her son take care of when it was brought to her attention. We suggest a diplomatic approach and common sense solutions. We have limited ability to do much but we can put the topic of Fences on our agenda for the next meeting.

Chris Crisenbery called the PUBLIC HEARING portion of our meeting to order at 6:30 p.m. We had all read the new/changed sign ordinance language already since the topic has been ongoing for months. No public comment. Chris Crisenbery moved to close the hearing at 6:31 p.m. Cheryl Marks supported the motion. Motion passed. The hearing closed at 6:31 p.m. In the discussion portion of the meeting Blaine Goodrich inquired about political signs. Chris Atkin touched on content neutral language being required and that a political sign would have to meet the yard sign language requirements in the ordinance. The packet was very lengthy and detailed for legal reasons and is on file in the township office.

Blaine Goodrich moved to recommend to the township board approval of the Amended Section 2.1 Definitions-Add sign types and definitions and to Amend Article 9 as published and distributed. Cheryl Marks supported the motion. Motion passed.

OLD BUSINESS: None

NEW BUSINESS: Blaine Goodrich expressed his frustration with notifications and changing meeting dates. Cheryl Marks concurred. We hope to discuss fences at the next meeting. We want to be sure farmers in Agricultural districts would not be impacted with any new regulations. We all agreed the next meeting date is October 3, 2017 at 6:00 p.m.

Chris Crisenbery moved to adjourn the meeting at 6:48 p.m. Blaine Goodrich supported the motion. Motion passed.

Respectfully submitted, Cheryl Marks-Secretary

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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-20

To: County Planning Commissioners
From: Grant E. Bauman
Date: September 1, 2021

Proposal: **A rezoning in Leoni Township**

Request

The subject property (2648 E. South Street, ID #000-14-07-451-002-01) is proposed for rezoning from 'heavy industrial (M)' to 'light industrial (ML)' (see the background information).

Purpose

A decreased setback requirement from residential zones in the ML district will allow for the expansion of the current cannabis cultivation and processing operation (see the Zoning Amendment Form).¹

Location and Size of the Property

The subject property has an area of approximately 7 acres. Situated in Section 7 (T3S-R1E) of the Township, the property is located on the north side of South Street, east of the Indian Village Mobile Home Community (see Figure 1).

Land Use and Zoning

Current Land Use – The subject property currently contains a cannabis cultivation and processing operation and is assessed for 'commercial' use (see Figure 2). Properties to east and south are assessed for 'residential' uses. The Indian Village Mobile Home Community, a multiple-family residential development, is assessed for 'commercial' uses.

Future Land Use Plan – The *Leoni Township Master Plan* recommends 'industrial' uses for the subject property and parcels to the north and east (see Figure 3). 'Low-density residential' uses are proposed for properties on the south side of South Street. 'High-density residential' uses are recommended for the Indian Village Mobile Home Community.

Current Zoning – The subject property is zoned 'heavy industrial (M)', as are parcels to the north and east (see Figure 3). Properties on the south side of South Street are zoned 'suburban residential (RS)'. The Indian Village Mobile Home Community is zoned 'mobile home residential'.

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal water and sewer services are not available according to the Township (see the Rezoning Worksheet Form).

¹ Please note that this report lists the proposed use for informational purposes only. Do not utilize it in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

Public Road/Street Access – South Street, a county primary roadway, provides direct access to the subject property.

Environmental Constraints – The subject property has no known environmental constraints according to the Township (see the Rezoning Worksheet Form). However, the background information did reference the presence of wetlands on the parcel as a factor in seeking the rezoning.

Analysis and Recommendation

Township Planning Commission Recommendation – The Leoni Township Planning Commission recommends **approval** of the proposed rezoning of the subject property to ‘light industrial (ML)’ (see the attached Zoning Amendment Form and background information).

Staff Analysis – Leoni Township has a Zoning Plan (an element of the Master Plan) which includes the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

Yes. The proposed rezoning is consistent with the Master Plan. The Future Land Use Plan identifies ‘industrial’ uses for the subject property (see Figure 3).

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

Yes. ‘Heavy industrial (M)’ zoning is adjacent to the north and east of the subject property.

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

No. It is unlikely that the rezoning would have a negative impact of public services and facilities.

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

Yes. The downzoning of the subject property to ‘light industrial (ML)’ will allow for a smaller array of potential conflicting land uses than those allowed under the current ‘heavy industrial (M)’ zoning.

JCPC Staff Advisement – Based upon the analysis provided in his report, staff advises the County Planning Commission to recommend **APPROVAL** to the Leoni Township Board of the proposed rezoning of the subject property (ID #000-14-07-451-002-01) to ‘light industrial (ML)’.

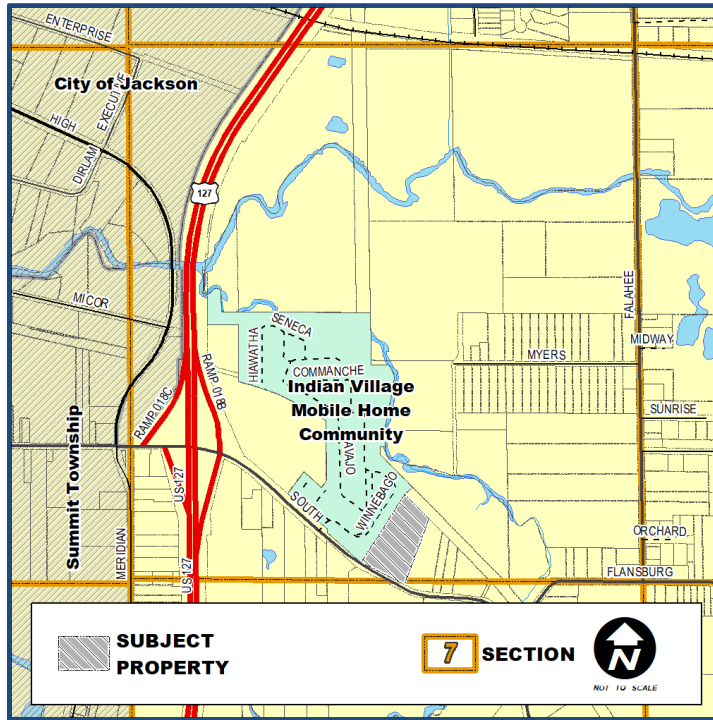
Staff Report Attachment(s):

- Background information provided by Leoni Township

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1
Location**



**Figure 2
Property Assessment**

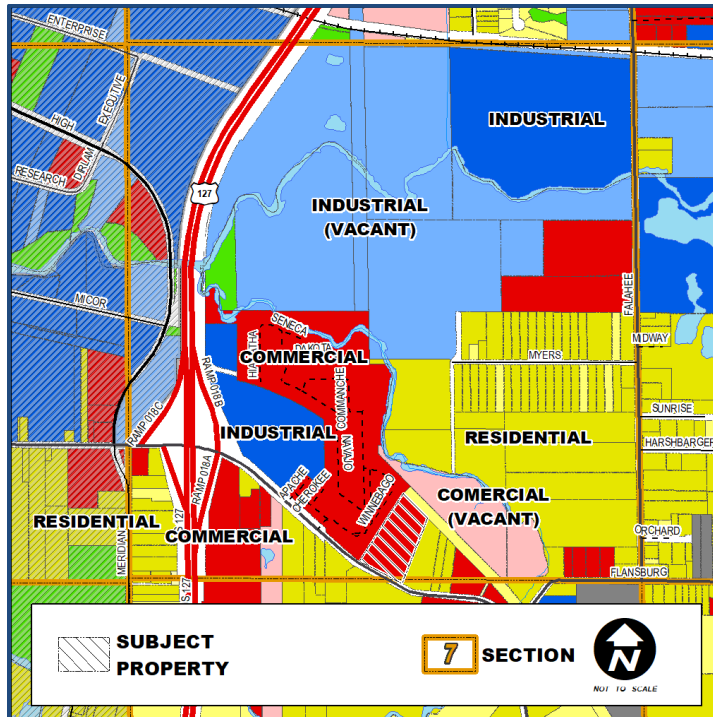


Figure 3
Municipal Future Land Use

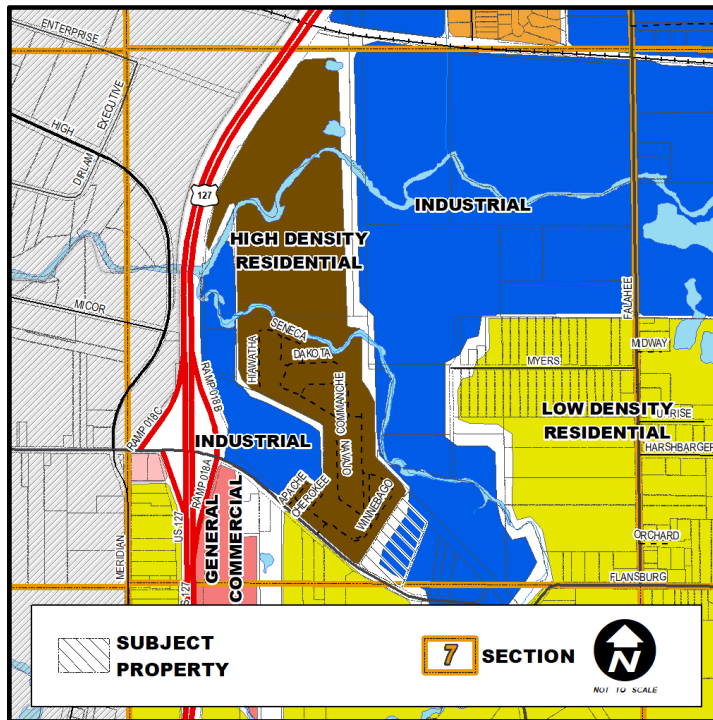


Figure 4
Municipal Zoning

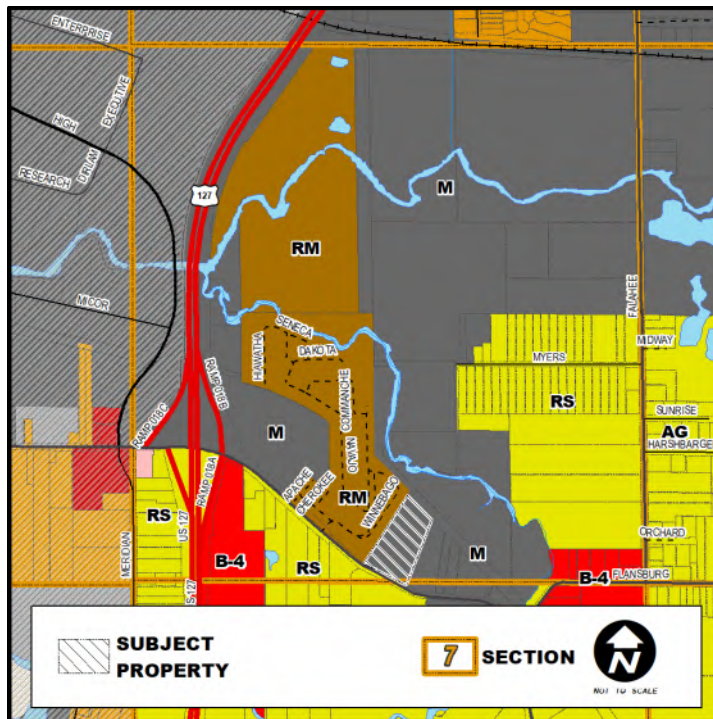


Figure 5
Aerial Photo



ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Leoni TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

see attached

1. The above described property has a proposed zoning change FROM Heavy Industrial (M) ZONE TO Light Industrial (ML) ZONE.

2. PURPOSE OF PROPOSED CHANGE: Expansion of current cannabis cultivation & processing for warehousing & offices

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

C. PUBLIC HEARING on the above amendment was held on: month August day 4 year 2021

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month July day 18 year 2021
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Danella Trammell ☐ Chair or ☒ Secretary 8/12/21 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

☐ Recommends APPROVAL of the zoning change

☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.

☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.

☐ Takes NO ACTION.

_____, Recording Secretary ____/____/____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

Township Clerk

REZONING WORKSHEET FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Leoni Township Case #: _____
Township official we may contact: Cindy Norris, Clerk Phone #: (517) 936-2290
Applicant: DLG & Associates Phone #: (712) 209-9831
Rezoning Request: From: Heavy Industrial (M) To: Light Industrial (ML)
Property Location: Section(s): 7 Quarter Section(s): ☐ NW ☐ NE ☐ SW ☐ SE
Legal Description and/or Survey Map/Tax Map (please attach) ☒ Yes ☐ No (Please do not use only the Parcel ID Number)
Parcel Size (if more than one parcel, label "A" - "Z"): 2648 E. South St., 6.954 acres

Please attach location map ☐ Yes ☐ No

What is the existing use of the site? Cannabis cultivation & processing

What is the proposed use of the site? Same w/ expansion

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: Vacant land
East: Scrap Yard

South: Residential
West: Trailer Park

What are the surrounding Zoning Districts?

North: (M) Heavy
East: (M) Heavy

South: RS, Residential Suburban
West: (RM) Mobile Home Residential

What is the suggested use of the site on the Township's Land Use Plan map?

Is municipal water currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? _____

Is municipal sewer currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? _____

Does the site have access to a public street or road? ☒ Yes ☐ No If yes, name _____

Are there any known environmental constraints on the site? ☐ Yes ☒ No

☐ Wetland(s) ☐ Floodplain(s) ☐ Brownfield(s) ☐ Soil(s) ☐ Other (please specify) _____

Please attach the minutes of the Planning Commission.

☒ Yes, the minutes are attached. ☐ No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

☒ Yes, copies of documentation are attached. ☐ No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

☐ Yes, public comments are attached. ☐ No, public comments are not attached.

Please include any additional information or comments as an attachment.

Leoni Township Office

913 Fifth Street Michigan Center, Michigan 49254

PHONE: (517) 764-4694 FAX: (517) 764-1106

www.leonitownship.com

DATE OF APPLICATION: 6/25/2021

APPLICATION #: _____

APPLICATION FOR ZONING CHANGE or CONDITIONAL USE

TO: PLANNING COMMISSION, LEONI TOWNSHIP

I (We) Hereby make application with the Township of Leoni to:

- () Add to or change the text of the Ordinance.
() Change the district boundaries.
(X) Re-Zone the property to another classification.
() Conditional Use.
() Home Occupation.
() Extending Residential Non-Conforming Use.

1. Applicants Name: DLG & Associates Phone: 719-209-9831
2. Address of Property Involved: 2648 E. South St Applicant Address: Same
3. Legal Description of Property: See attached 000-14-07-451-002-01
4. The above property is presently zoned: M - Heavy Industrial
5. I wish the zoning to be changed from: M - Heavy Industrial to: ML - Light Industrial
6. I wish the boundaries to be changed from: N/A to: _____
7. I wish the change in the text from section: N/A
8. The proposed use(s) and nature(s) of operation is/are: Existing indoor cannabis cultivation and processing facility
Proposed additional grow buildings and warehouse/office space on west half of property

NOTE: Attach an **ACCURATE SURVEY DRAWING** of said property drawn to scale showing existing and proposed building and structures, the type thereof and their uses, and the distances from property lines.

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT I AM THE OWNER OF THE PROPERTY.

I GRANT PERMISSION FOR MEMEBERS OF THE LEONI TOWNSHIP PLANNING COMMISSION AND/OR TOWNSHIP BOARD TO ENTER THE ABOVE PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS APPLICATION. (NOTE TO APPLICANT: This will not affect any decision on your application.)

IN CASE OF CANCELLATION OR FAILURE TO APPEAR AT THE HEARING, I UNDERSTAND THAT ALL FEES WILL BE FORFEITED.

FEE: _____


SIGNATURE OF OWNER/APPLICANT

PLANNING COMMISSION RECOMMENDATION: Having review the submitted data, hereby recommend the Township Board
() Approve () Disapprove the Application for the following reasons (or with these restrictions) _____

DATE: _____

CHAIRMAN:

SIGNATURE

TOWNSHIP BOARD OF TRUSTEES: Having reviewed the submitted data, hereby () APPROVE () DISAPPROVE the application for the following reasons: _____

DATE: _____

CLERK:

SIGNATURE

8/15/12

TOWNSHIP OF LEONI

Receipt: 173273

07/08/21

913 5TH STREET

P.O. BOX 375

MICHIGAN CENTER, MI 49254

Cashier: TPOTTER

Received Of: DLG AND ASSOCIATES

(517) 764-4694

(517) 764-1106 FAX

The sum of: 550.00

ZON	DLG REZONE APP FEE	550.00
	Total	550.00
	CHK/MO/CASHIE 2674	550.00

Signed: _____



CONSULTING. ENGINEERING. CONSTRUCTION.

June 25, 2021

Leoni Township Planning Commission
913 Fifth Street
Michigan Center, MI 49254

Re: 2648 E. South St. Rezoning Request

Dear Commissioners:

Please accept the enclosed application and submittal package for a proposed rezoning of the property located at 2648 E. South Street, Jackson, MI from M-Heavy Industrial District to ML-Light Industrial District for your consideration.

The property, currently zoned as heavy industrial, is adjacent to a residentially zone property (Indian Village Mobile Home Community). This requires an increased side yard setback of up to 200' for the heavy industrial zoning when adjacent to residential districts. The property has a large centrally located wetland that bisects the site and this increased setback requirement renders the western half of the site unusable.

The present use of the property is an indoor cannabis cultivation and processing facility, meaning they grow plants indoors and prepare various consumable products for distribution to licensed Michigan retailers. This is a new, rapidly growing industry here in Michigan and my client needs additional building space to continue to expand their operation and would like to make use of the available land area on the existing property.

This use is permitted in the light industrial zoning district and does not produce excessive noise or odors that would be considered a nuisance to the adjacent residents nor does it utilize harmful toxins or chemicals that would warrant an increased separation distance as required by the heavy industrial zoning. As such, we are requesting to rezone this property to light industrial which provides for a more appropriate setback from the mobile home park that would allow the development of the western half of the property similar to that shown in the attached concept plan. An additional benefit to the community with this rezoning request is that it creates a buffer of light industrial uses, which are less intense in nature, between the mobile home park and the potential for heavy industrial uses to the east of the property.

Enclosed with this package are the following documents for your consideration:

- Site Location Map
- Zoning Map blow-up
- Conceptual Site Plan

Thank you for your consideration.

Sincerely,

ATWELL, LLC

A handwritten signature in black ink, appearing to read 'Jared Kime', is positioned above the printed name.

Jared Kime, PE
Project Manager



Jackson County, MI
6/23/2021

LEGAL DESCRIPTION
PER JACKSON COUNTY PROPERTY RECORDS

COM AT THE S ¼ COR OF SEC 7 TH S89°47'05"E
ALG THE S SEC LN 148.25 FT TO THE CL OF
SOUTH ST FOR POB TH N59°51'23"W ALG SD CL
338.20 FT TH N33°06'12"E 810.80 FT TO THE SLY
LN OF THE FORMER LS&MS RR (100 FT WIDE) TH
S44°35'25"E ALG THE SD S LN 338.49 FT TH
S22°13'42"W 727.53 FT TO THE CL OF SOUTH ST
TH N59°51'23"W ALG SD CL 130.40 FT TO BEG.

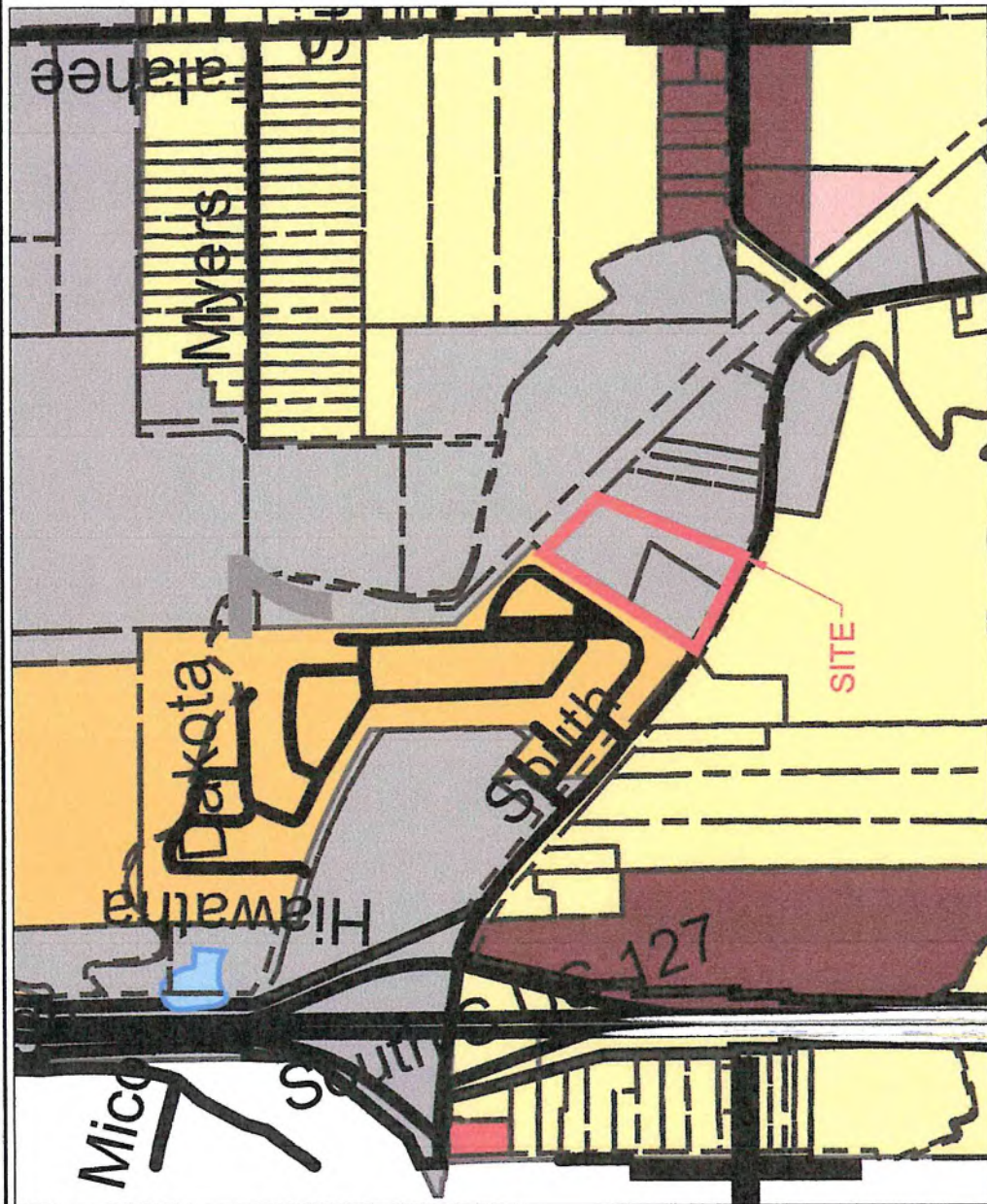
SECS 7 & 18 T3S R1E 6.95 A+/- COMBINED ON
02/10/2019 FROM:
000-14-07-451-002-00
000-14-07-451-001-00

PROJECT NO.: 20002040
DATE: 06-25-2021



ATWELL
866.850.4200 www.atwell-group.com
TWO TOWNE SQUARE, SUITE 700
SOUTHFIELD, MI 48076
248.447.2000

DR: JMK
CAD FILE: 20002040 EX-1 - SITE LOCATION.DWG



ZONING DISTRICTS

- AG** Agricultural District
- RNF** Rural Non-Farm Residential District
- RS** Suburban Residential District
- R-1** One Family Residential District
- PR-1** Planned Residential District
- R-4** High Density Residence & Office District
- RM** Mobile Home Residential District
- B-1** Neighborhood Business District
- B-2** Community Business District
- B-4** General Business District
- B-5** Highway Business District
- MIL** Light Industrial District
- M** Heavy Industrial District
- PUD** Planned Unit Development District
- OS** Open Space District

PROJECT NO.: 20002040
DATE: 06-25-2021



ATWELL
866.850.4200 www.atwell-group.com
TWO TOWNE SQUARE, SUITE 700
SOUTHFIELD, MI 48076
248.447.2000

Leoni Township Jackson County, Michigan Zoning Map

DR: JMK
CAD FILE: 20002040 EX-2 - ZONING MAP.DWG

**LEONI TOWNSHIP OFFICE
913 FIFTH ST
MICHIGAN CENTER MI 49254
517-764-4694 PHONE 517-764-1380 FAX**

NOT I CE

The Leoni Township Planning Commission will hold a ZOOM Public Hearing, Wednesday, August 4, 2021 at 6:00 P.M. in the Leoni Township Meeting Hall, 913 Fifth St., Michigan Center, Michigan, 49254.

“This meeting is being held by ZOOM because of the COVID-19 State of Emergency and in conformance with Executive Orders issued by the Governor of the State of Michigan.”

Please visit the Leoni Township website at <http://www.leonitownship.com> prior to the meeting for instructions regarding remote access and any updates that may be needed due to COVID-19 requirements.

000-14-07-451-002-01
DLG & Associates LLC
2648 E. South St.

Purpose of hearing: Rezone from Heavy Industrial to Light Industrial

Legal Description: COM AT THE S ¼ COR OF SEC 7 TH S89°47'05"E ALG THE S SEC LN 148.25 FT TO THE CL OF SOUTH ST FOR POB TH N59°51'23"W ALG SD CL 338.20 FT TH N33°06'12"E 810.80 FT TO THE SLY LN OF THE FORMER LS&MS RR (100 FT WIDE) TH S44°35'25"E ALG THE SD S LN 338.49 FT TH S22°13'42"W 727.53 FT TO THE CL OF SOUTH ST TH N59°51'23"W ALG SD CL 130.40 FT TO BEG. SECS 7 & 18 T3S R1E 6.95 A+/- COMBINED ON 02/10/2019 FROM 000-14-07-451-002-00, 000-14-07-451-001-00;

Cindy Norris, Clerk



Parcel Report - Parcel ID: 000-14-07-451-002-01

7/8/2021



Owner Name DLG & ASSOCIATES LLC
Owner Address 2732 E SOUTH ST
 JACKSON, MI 49201
Homestead 0
Parcel Address 2648 E SOUTH ST
 JACKSON, MI 49201
Property Class 201 - COMMERCIAL
Status Active
Acreage 6.95
Gov't Unit Leoni
Tax Unit Leoni
School District MICHIGAN CENTER SCHOOL
Liber/Page 2163-540

	2019	2020	2021
Taxable Value	\$32,407	\$379,220	\$377,724
Assessed Value	\$32,407	\$379,220	\$377,724

Tax Description:

COM AT THE S ¼ COR OF SEC 7 TH S89°47'05"E ALG THE S SEC LN 148.25 FT TO THE CL OF SOUTH ST FOR POB TH N59°51'23"W ALG SD CL 338.20 FT TH N33°06'12"E 810.80 FT TO THE SLY LN OF THE FORMER LS&MS RR (100 FT WIDE) TH S44°35'25"E ALG THE SD S LN 338.49 FT TH S22°13'42"W 727.53 FT TO THE CL OF SOUTH ST TH N59°51'23"W ALG SD CL 130.40 FT TO BEG. SECS 7 & 18 T3S R1E 6.95 A+/- COMBINED ON 02/10/2019 FROM 000-14-07-451-002-00, 000-14-07-451-001-00;



WARNING: Displayed boundaries are NOT SURVEY GRADE and may not reflect legal property description. The intent of this map is to allow easy access and visual display of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.



000-14-07-451-007-00
AGUILA INVESTMENT GROUP LLC
4211 W WATER AVE
TAMPA, FL 33614

000-14-07-451-003-00
LAROCQUE CHARLES & WE BUY YOUR JUNK
2756 E SOUTH ST
JACKSON, MI 49201

000-14-07-451-004-00
NODINE DIANE M
2762 E SOUTH STREET
JACKSON, MI 49201

000-14-07-376-006-00
LUCIW RICHARD A & KRIS A
2601 E SOUTH ST
JACKSON, MI 49201

000-14-07-376-008-00
BOGARD SCOTT E
2731 E SOUTH ST
JACKSON, MI 49201-8764

000-14-07-477-001-06
CORNELL MANAGEMENT LLC
1550 FALAHEE RD
JACKSON, MI 49203

000-14-07-452-001-01
AGUILA INVESTMENT GROUP LLC
4211 W WATER AVE
TAMPA, FL 33614

000-14-07-326-002-01
I V P LLC
5940 BAXTER CRESCENT
, XXXXX

000-14-18-200-001-01
ULTIMATE AUTO REPAIR LLC
2765 E SOUTH ST
JACKSON, MI 49201

000-14-07-451-002-01
DLG & ASSOCIATES LLC
2732 E SOUTH ST
JACKSON, MI 49201

000-14-07-451-005-00
HUNT STEPHEN OR 123 FAIRFAX LLC
3901 E SOUTH ST
JACKSON, MI 49201

AFFIDAVIT OF PUBLISHER

STATE OF MICHIGAN }
County of Jackson

Bettie Watson

Bettie Watson

being duly sworn, says: I am the Publisher of The Salesman, a shopping guide printed and circulated in said county since 1948.

The attached is a printed copy of an ad which was published in The Salesman (Publications) July 18, 2021

Sworn to and subscribed before me this 6th day of August 2021.

Coreen Chase

Notary Public, Jackson County, Michigan

NOTICE LEONI TOWNSHIP JACKSON COUNTY, MI

The Leoni Township Planning Commission will hold a ZOOM Public Hearing, Wednesday, August 4, 2021 at 6:00 P.M. in the Leoni Township Meeting Hall, 913 Fifth St., Michigan Center, Michigan, 49254.

"This meeting is being held by ZOOM because of the COVID-19 State of Emergency and in conformance with Executive Orders issued by the Governor of the State of Michigan."

Please visit the Leoni Township website at <http://www.leonitownship.com> prior to the meeting for instructions regarding remote access and any updates that may be needed due to COVID-19 requirements.

000-14-07-451-002-01
DLG & Associates LLC
2648 E. South St.

Purpose of hearing: Rezone from Heavy Industrial to Light Industrial

Legal Description: COM AT THE S ¼ COR OF SEC 7 TH S89°47'05"E ALG THE S SEC LN 148.25 FT TO THE CL OF SOUTH ST FOR POB TH N59°51'23"W ALG SD CL 338.20 FT TH N33°06'12"E 810.80 FT TO THE SLY LN OF THE FORMER LS&MS RR (100 FT WIDE) TH S44°35'25"E ALG THE SD S LN 338.49 FT TH S22°13'42"W 72.53 FT TO THE CL OF SOUTH ST TH N59°51'23"W ALG SD CL 130.40 FT TO BEG. SECS 7 & 18 T3S R1E 6.95 A+/- COMBINED ON 02/10/2019 FROM 000-14-07-451-002-00, 000-14-07-451-001-00;

Cindy Norris, Clerk

COREEN CHASE
NOTARY PUBLIC, Jackson County, MI
My Commission Expires Aug. 31, 2023

Leoni Township Office
913 Fifth Street
Michigan Center, Michigan 49254
PHONE: (517) 764-4694 FAX: (517) 764-1380
Leontownship.com

PLANNING COMMISSION MINUTES
August 4, 2021 DRAFT

The Leoni Township Planning Commission held a meeting Wednesday, August 4, 2021 @ 6:00 p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

Meeting opened to call of the Chair: 6:04 pm

Members Present: V. Beckwith, R. Kinch, W. Miles, Connie Gibson & Judy Southworth

Members absent: D. Perrine and B. Lester

Persons in attendance: 6

Pledge of Allegiance

Purpose of Planning Commission read by V. Beckwith

Motion by R. Kinch supported by V. Beckwith to approve the August 4th Agenda as written
Motion adopted by voice vote

Motion by J. Southworth and supported by W. Miles to approve the July 21 minutes with the following changes:

Remove V. Beckwith from Members Present to Members absent

Change Purpose of Planning Commission read by V. Beckwith to J. Southworth
Motion adopted by voice vote

Public Comment: **Open at 6:04 pm.**
 No Comments
 Closed at 6:04 pm.

NEW BUSINESS:

- 1. 000-14-06-151-005-04**
3150 Page Ave. Rezone
GR Schultz Real Estate

Motion by J. Southworth and supported by R. Kinch to approve the rezone for property 000-14-06-151-005-04 at 3150 Page Ave. from Business (B4) to Light Industrial (ML).

5 Ayes: R. Kinch, W. Miles, C. Gibson, B. Lester, and J. Southworth

0 Nays:

Motion Carried

- 2. 000-14-07-451-002-01**
2648 E. South St. Rezone
DLG & Associates LLC

Motion by W. Miles and supported by J. Southworth to approve the rezone for property 000-14-07-451-002-01 at 2648 E. South St. from Heavy Industrial (M) to Light Industrial (ML).

5 Ayes: R. Kinch, W. Miles, C. Gibson, V. Beckwith, and J. Southworth

0 Nays:

Motion Carried

3. Adopting proposed Solar, The Ordinance

Discussion: J. Southworth stated that according to the ordinance written that nothing over 15 ft. tall would be allowed and that would mean Solar Farms and not wind turbines.

Motion by R. Kinch, supported by J. Southworth to Adopt the proposed Solar Ordinance as written.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

0 Nays:

Motion Carried

4. Amendment to Light Industrial zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by R. Kinch and supported by C. Gibson to approve the amendment to Light Industrial zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

0 Nays:

Motion Carried

5. Amendment to Heavy Industrial Zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by V. Beckwith, supported by R. Kinch to approve the amendment to Heavy Industrial zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

Motion Carried

6. Amendment to Agricultural zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by J. Southworth and supported by W. Miles to approve the amendment to Agricultural zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

Motion Carried

OLD BUSINESS:

Master Plan - Discussion: W. Miles believe we should table the discussion of Master Plan until Grant Baumann can join us at the August 18th meeting.

Discussion: J. Southworth proposed to the Planning Commission that in-person meetings resume on August 4th.

Motion by R. Kinch, supported by C. Gibson to start In Person Planning Commission meetings on August 4th 2021.

5 Ayes: R. Kinch, C. Gibson, B. Lester, J. Southworth and W. Miles

Motion Carried

Motion by W. Miles, supported by J. Southworth to adjourn the meeting.

Motion adopted by voice vote

Meeting Adjourned 6:31 pm.

Next meeting: August 18, 2021

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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-21

To: County Planning Commissioners
From: Grant E. Bauman
Date: September 1, 2021

Proposal: **A rezoning in Leoni Township**

Request

The subject property (3150 Page Avenue, ID #000-14-06-151-005-04) is proposed for rezoning from 'general business (B-4)' to 'light industrial (ML)' (see the background information).

Purpose

Potential sales was cited as the reason for seeking the rezoning (see the Zoning Amendment Form).¹

Location and Size of the Property

The subject property has an area of approximately 4 acres. Situated in Section 6 (T3S-R1E) of the Township, the property is located on the north side of Page Avenue, east of Dettman Road (see Figure 1).

Land Use and Zoning

Current Land Use – The subject property currently contains a commercial business and is assessed for 'commercial' use (see Figure 2). Properties to the north and east are assessed for 'industrial' uses. A mix of 'residential' and 'commercial' assessed uses are located on the south side of Page Avenue. The property to the west is assessed for 'commercial' uses.

Future Land Use Plan – The *Leoni Township Master Plan* recommends 'commercial' uses for the subject property and parcels to the west (see Figure 3). 'Low-density residential' uses are proposed for properties to the north. 'Industrial' uses are recommended for parcels to the east and south.

Current Zoning – The subject property is zoned 'general business (B-4)', as are parcels to the south and west (see Figure 3). Properties to the north are zoned 'one-family residential (R-1)'. Properties to the east are zoned 'heavy industrial (M)'.

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal water and sewer services are not available according to the Township (see the Rezoning Worksheet Form).

Public Road/Street Access – Page Avenue, a county primary roadway built to class A (all-season) standards, provides direct access to the subject property.

¹ Please note that this report lists the proposed use for informational purposes only. Do not utilize it in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

Environmental Constraints – The subject property has no known environmental constraints according to the Township (see the Rezoning Worksheet Form).

Analysis and Recommendation

Township Planning Commission Recommendation – The Leoni Township Planning Commission recommends **approval** of the proposed rezoning of the subject property to ‘light industrial (ML)’ (see the attached Zoning Amendment Form and background information).

Staff Analysis – Leoni Township has a Zoning Plan (an element of the Master Plan) which includes the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

Yes. Although the proposed use of the subject property is ‘commercial’, it is adjacent to properties to the east recommended for ‘industrial’ uses (see Figure 3).

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

Yes. ‘Heavy industrial (M)’ zoning is adjacent to the east of the subject property.

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

No. It is unlikely that the rezoning would have a negative impact of public services and facilities.

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

Yes. ‘Heavy industrial (M)’ zoning is already adjacent to the subject property.

JCPC Staff Advisement – Based upon the analysis provided in his report, staff advises the County Planning Commission to recommend **APPROVAL** to the Leoni Township Board of the proposed rezoning of the subject property (ID #000-14-06-151-005-04) to ‘light industrial (ML)’.

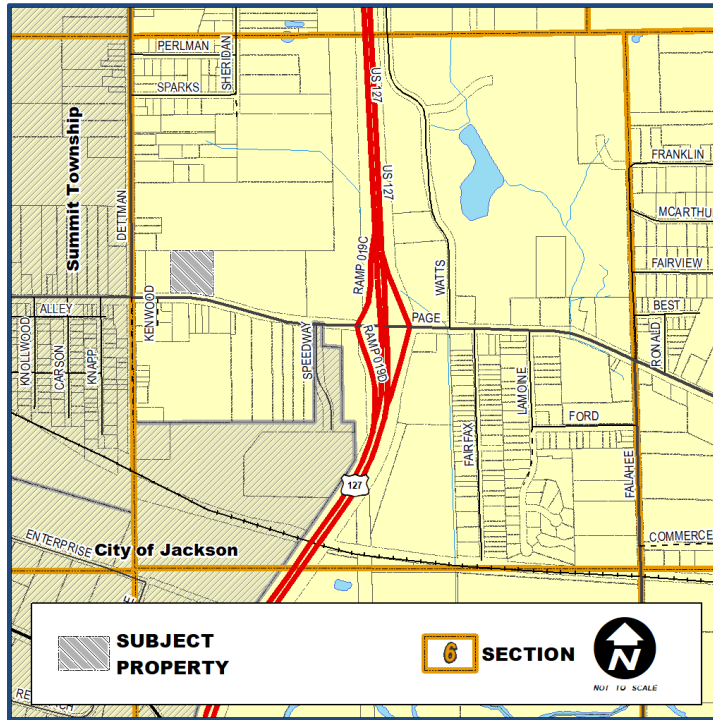
Staff Report Attachment(s):

- *Background information provided by Leoni Township*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1
Location**



**Figure 2
Property Assessment**

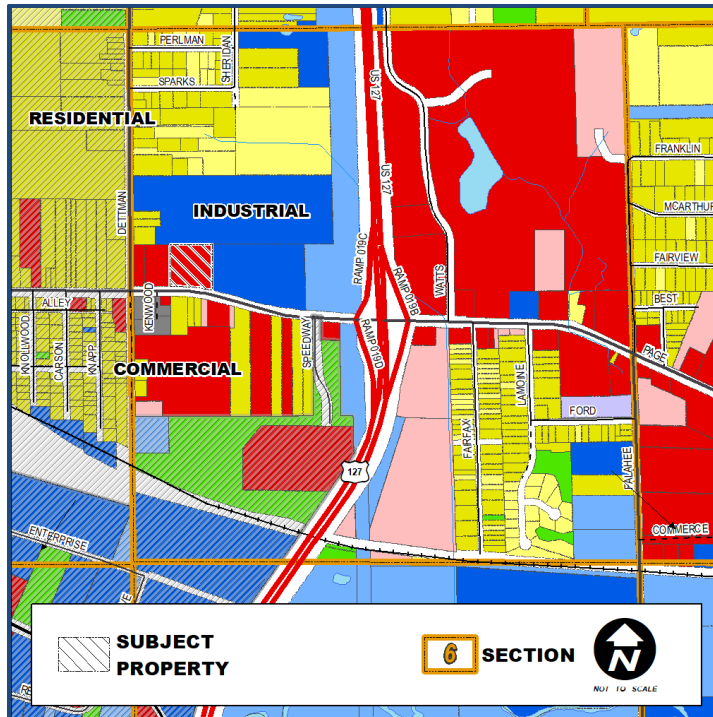


Figure 3
Municipal Future Land Use

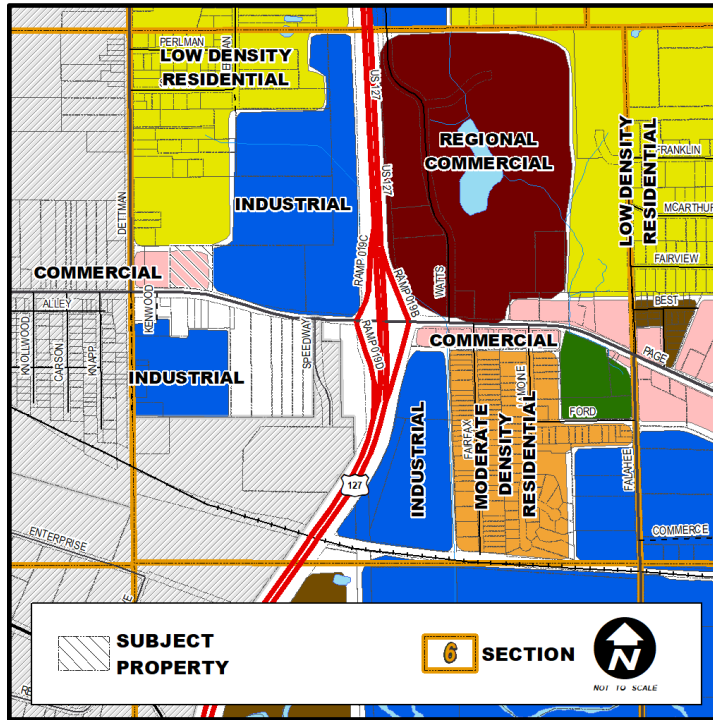


Figure 4
Municipal Zoning

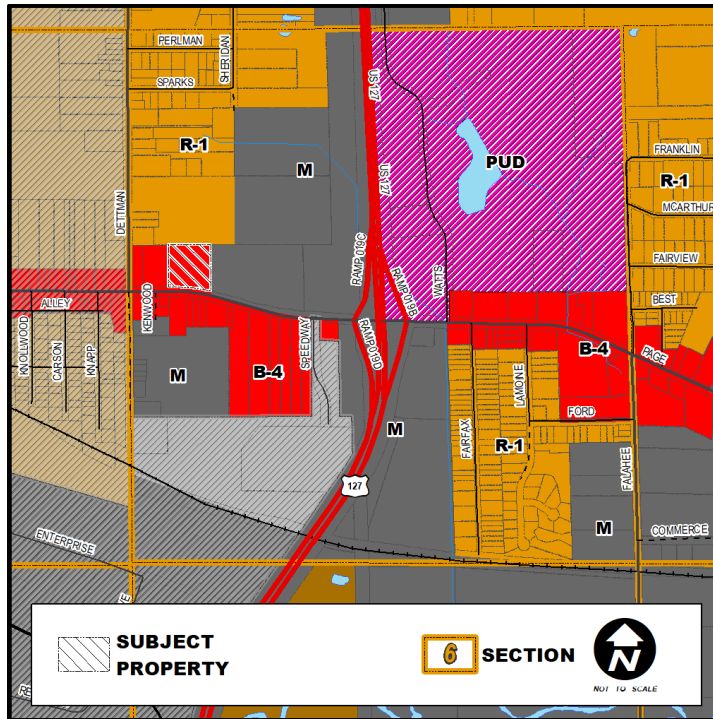
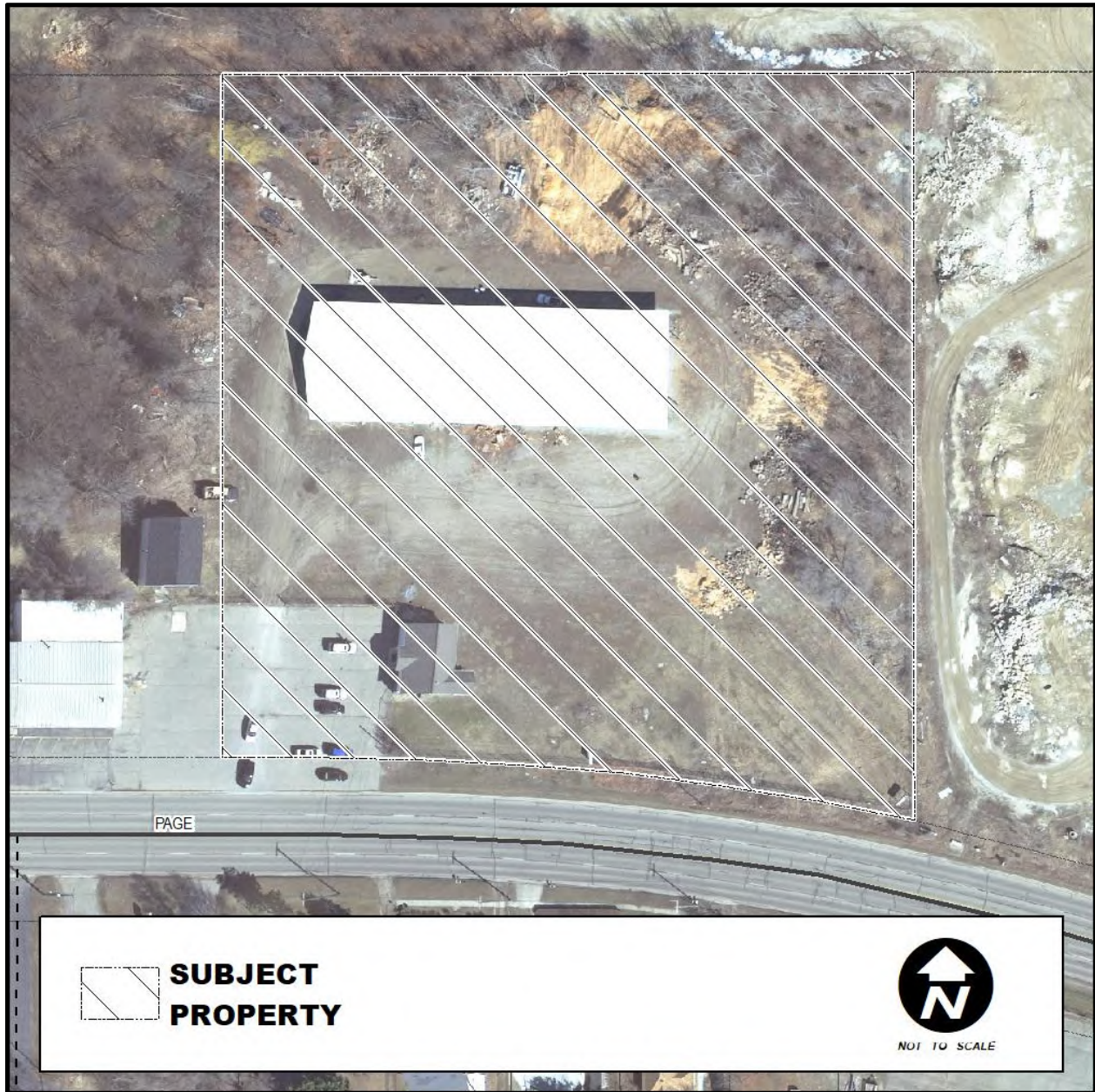


Figure 5
Aerial Photo



ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Leoni TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

See attached

1. The above described property has a proposed zoning change FROM Business (B4) ZONE TO Light Industrial (ML) ZONE.
2. PURPOSE OF PROPOSED CHANGE: potential sales

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

- C. PUBLIC HEARING on the above amendment was held on: month August day 4 year 2021
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month July day 18 year 2021
(Notice must be provided at least fifteen days prior to the public hearing.)

- E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Pamela Mammell ☐ Chair or ☒ Secretary 8/11/21 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
☐ Recommends APPROVAL of the zoning change
☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
☐ Takes NO ACTION.

_____, Recording Secretary ____/____/____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

Township Clerk

REZONING WORKSHEET FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Leoni Township Case #: _____
Township official we may contact: Cindy Norris, Clerk Phone #: (517) 936-2290
Applicant: GR Schultz Real Estate Holding LLC Phone #: (269) 217-5420
Rezoning Request: From: Business (B4) To: Light Industrial (ML)
Property Location: Section(s): 6 Quarter Section(s): ☒ NW ☐ NE ☐ SW ☐ SE
Legal Description and/or Survey Map/Tax Map (please attach) ☐ Yes ☐ No (Please do not use only the Parcel ID Number)
Parcel Size (if more than one parcel, label "A" - "Z"): 3150 Page Ave. 4.060 acres

Please attach location map ☒ Yes ☐ No

What is the existing use of the site? Commercial business

What is the proposed use of the site? _____

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: Industrial
East: Industrial

South: Residential
West: Commercial Business

What are the surrounding Zoning Districts?

North: (M) Heavy Industrial
East: (M) Heavy Industrial

South: (B4) Business
West: (B4) Business

What is the suggested use of the site on the Township's Land Use Plan map? _____

Is municipal water currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☐ No If yes, when? _____

Is municipal sewer currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☐ No If yes, when? _____

Does the site have access to a public street or road? ☒ Yes ☐ No If yes, name _____

Are there any known environmental constraints on the site? ☐ Yes ☒ No

☐ Wetland(s) ☐ Floodplain(s) ☐ Brownfield(s) ☐ Soil(s) ☐ Other (please specify) _____

Please attach the minutes of the Planning Commission.

☒ Yes, the minutes are attached. ☐ No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

☒ Yes, copies of documentation are attached. ☐ No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

☐ Yes, public comments are attached. ☐ No, public comments are not attached.

Please include any additional information or comments as an attachment.

Leoni Township Office

913 Fifth Street Michigan Center, Michigan 49254

PHONE: (517) 764-4694 FAX: (517) 764-1106

www.leonitownship.com

DATE OF APPLICATION: 6-28-21

APPLICATION #: _____

APPLICATION FOR ZONING CHANGE or CONDITIONAL USE

TO: PLANNING COMMISSION, LEONI TOWNSHIP

I (We) Hereby make application with the Township of Leoni to:

- () Add to or change the text of the Ordinance.
() Change the district boundaries.
(X) Re-Zone the property to another classification.
() Conditional Use.
() Home Occupation.
() Extending Residential Non-Conforming Use.

1. Applicants Name: G R SCHULTZ REAL ESTATE HOLDING LLC Phone: 269-217-5420
2. Address of Property Involved: 3150 PAGE AVE Applicant Address: _____
3. Legal Description of Property: 000-14-06-151-005-04
4. The above property is presently zoned: COMMERCIAL B-4
5. I wish the zoning to be changed from: B4 COMMERCIAL to: LIGHT INDUSTRIAL
6. I wish the boundaries to be changed from: _____ to: _____
7. I wish the change in the text from section: _____
8. The proposed use(s) and nature(s) of operation is/are: _____

NOTE: Attach an **ACCURATE SURVEY DRAWING** of said property drawn to scale showing existing and proposed building and structures, the type thereof and their uses, and the distances from property lines.

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT I AM THE OWNER OF THE PROPERTY.

I GRANT PERMISSION FOR MEMEBERS OF THE LEONI TOWNSHIP PLANNING COMMISSION AND/OR TOWNSHIP BOARD TO ENTER THE ABOVE PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS APPLICATION. (NOTE TO APPLICANT: This will not affect any decision on your application.)

IN CASE OF CANCELLATION OR FAILURE TO APPEAR AT THE HEARING, I UNDERSTAND THAT ALL FEES WILL BE FORFEITED.

FEE: \$550.00

SIGNATURE OF OWNER APPLICANT

Gregory R. Schulte

PLANNING COMMISSION RECOMMENDATION: Having review the submitted data, hereby recommend the Township Board
() Approve () Disapprove the Application for the following reasons (or with these restrictions) _____

DATE: _____ CHAIRMAN: _____

SIGNATURE

TOWNSHIP BOARD OF TRUSTEES: Having reviewed the submitted data, hereby () APPROVE () DISAPPROVE the application for the following reasons: _____

DATE: _____ CLERK: _____

SIGNATURE

8/15/12

TOWNSHIP OF LEONI

Receipt: 173274

07/08/21

913 5TH STREET

P.O. BOX 375

MICHIGAN CENTER, MI 49254

Cashier: TPOTTER

Received Of: GR SHULTZ REAL ESTATE HOLDING CO

(517) 764-4694

(517) 764-1106 FAX

The sum of: 550.00

ZON	GR SHULTZ REZONE APP FEE	550.00
	Total	550.00
	CHK/MO/CASHIE 5758	550.00

Signed: _____



Parcel Report - Parcel ID: 000-14-06-151-005-04

7/7/2021



Owner Name	GR SCHULTZ REAL ESTATE HOLDINGS	2019	2020	2021
Owner Address	3150 PAGE AVE JACKSON, MI 49203	Taxable Value	\$159,742	\$157,635
Homestead	0	Assessed Value	\$161,555	\$157,635
Parcel Address	3148 PAGE AVE JACKSON, MI 49203	Tax Description: COM AT THE W ¼ COR OF SEC 6 TH N00°13'13"E ALG THE W SEC LN 480.23 FT (REC AS 468.02 FT) TH S89°32'00"E 385.71 FT FOR POB S89°32'00"E 418.93 FT TH S00°12'09"W 448.49 FT (REC AS 460.43 FT) TO LN OF PAGE AVE TH ALG A CURVE TO THE LEFT ALG SAID N LN 357.99 FT (REC AS 341.40 FT) SAID CURVE HAVING A RADIUS OF 1647.36 FT DELTA ANGLE OF 12°27'04" AND A CHORD OF 357.29 FT BEARING N83°40'31"W TH N89°20'07"W CONT ALG SAID N LN 63.81 FT TH N00°13'13"E 411.81 TO BEG. SEC 6 T3S R1E 4.06 A+/- SPLIT ON 02/03/2018 FROM 000-14-06-151-005-01;		
Property Class	201 - COMMERCIAL			
Status	Active			
Acreage	4.06			
Gov't Unit	Leoni			
Tax Unit	Leoni			
School District	EAST JACKSON SCHOOL			
Liber/Page	2111-386			



WARNING: Displayed boundaries are NOT SURVEY GRADE and may not reflect legal property description. The intent of this map is to allow easy access and visual display of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.







**LEONI TOWNSHIP OFFICE
913 FIFTH ST
MICHIGAN CENTER MI 49254
517-764-4694 PHONE 517-764-1380 FAX**

NOTICE

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“This meeting is being held by ZOOM because of the COVID-19 State of Emergency and in conformance with Executive Orders issued by the Governor of the State of Michigan.”

Please visit the Leoni Township website at <http://www.leonitownship.com> prior to the meeting for instructions regarding remote access and any updates that may be needed due to COVID-19 requirements.

000-14-06-151-005-04
GR Schultz Real Estate Holding
3150 Page Ave.

Purpose of hearing: Rezone from B-4 to Light Industrial

Legal Description: COM AT THE W ¼ COR OF SEC 6 TH N00°13'13"E ALG THE W SEC LN 480.23 FT (REC AS 468.02 FT) TH S89°32'00"E 385.71 FT FOR POB S89°32'00"E 418.93 FT TH S00°12'09"W 448.49 FT (REC AS 460.43 FT) TO LN OF PAGE AVE TH ALG A CURVE TO THE LEFT ALG SAID N LN 357.99 FT (REC AS 341.40 FT) SAID CURVE HAVING A RADIUS OF 1647.36 FT DELTA ANGLE OF 12°27'04" AND A CHORD OF 357.29 FT BEARING N83°40'31"W TH N89°20'07"W CONT ALG SAID N LN 63.81 FT TH N00°13'13"E 411.81 TO BEG. SEC 6 T3S R1E 4.06 A+/- SPLIT ON 02/03/2018 FROM 000-14-06-151-005-01;

Cindy Norris, Clerk

000-14-06-151-002-01
FOWLER SEAN C & BRANDI M
999 S DETTMAN RD
JACKSON, MI 49203

000-14-06-151-003-01
MARTIN BRION B & CHANIN L
1001 S DETTMAN RD
JACKSON, MI 49203

000-14-06-301-001-00
LITTERAL ARLETA J & MESSNER DAVID E
4233 HOYER RD
JACKSON, MI 49201

000-14-06-301-015-02
ROBELE INVESTMENTS LLC(NOTE)
3700 SARGENT RD
JACKSON, MI 49201

~~000-14-06-301-009-00
ROBELE INVESTMENTS LLC(NOTE)
3700 SARGENT RD
JACKSON, MI 49201~~

000-14-06-301-007-00
MCRE HOLDINGS LLC
3141 PAGE AVE
JACKSON, MI 49203

~~000-14-06-301-008-00
ROBELE INVESTMENTS LLC(NOTE)
3700 SARGENT RD
JACKSON, MI 49201~~

~~000-14-06-301-002-00
LITTERAL ARLETA J & MESSNER DAVID E
4233 HOYER RD
JACKSON, MI 49201~~

000-14-06-301-006-00
WRIGHT ROBERT & JULIA
3149 PAGE AVE
JACKSON, MI 49203

000-14-06-301-005-00
KRAWIEC PAWEL & JESSICA
3155 PAGE AVE
JACKSON, MI 49203

000-14-06-301-004-00
SCOTT JAMI M
3201 PAGE AVE
JACKSON, MI 49203

~~000-14-06-301-003-00
LITTERAL ERMAL
4233 HOYER RD
JACKSON, MI 49201~~

000-14-06-327-001-00
BYNUM GREGORY & THOMAS NICHOLE
3247 PAGE AVE
JACKSON, MI 49203

000-14-06-151-001-01
TIM & MATT PROPERTIES LLC
48655 HARVEST DR
PLYMOUTH, MI 48170

000-14-06-151-006-01
DOAN CONSTRUCTION CO
3670 CARPENTER RD
YPSILANTI, MI 48197

000-14-06-151-004-00
FOX WILLIAM D & DEBRA
1013 S DETTMAN RD
JACKSON, MI 49203-2218

000-14-06-151-005-03
ALB PROPERTIES LLC
3773 N DEARING RD
PARMA, MI 49269

000-14-06-151-005-04
GR SCHULTZ REAL ESTATE HOLDINGS LLC
3150 PAGE AVE
JACKSON, MI 49203

000-14-06-151-005-02
UNLEASHED AND LOVIN' IT LLC
3104 PAGE AVE
JACKSON, MI 49201

AFFIDAVIT OF PUBLISHER

STATE OF MICHIGAN }
County of Jackson

Bettie Watson

Bettie Watson

being duly sworn, says: I am the Publisher of The Salesman, a shopping guide printed and circulated in said county since 1948.

The attached is a printed copy of an ad which was published in

The Salesman (Publications) July 18, 2021

Sworn to and subscribed before me this 6th day
of August 2021.

Coreen Chase

Notary Public, Jackson County, Michigan

NOTICE LEONI TOWNSHIP JACKSON COUNTY, MI

The Leoni Township Planning Commission will hold a ZOOM Public Hearing, Wednesday, August 4, 2021 at 6:00 P.M. in the Leoni Township Meeting Hall, 913 Fifth St., Michigan Center, Michigan, 49254.

"This meeting is being held by ZOOM because of the COVID-19 State of Emergency and in conformance with Executive Orders issued by the Governor of the State of Michigan."

Please visit the Leoni Township website at <http://www.leonitownship.com> prior to the meeting for instructions regarding remote access and any updates that may be needed due to COVID-19 requirements.

000-14-06-151-005-04
GR Schultz Real Estate Holding
3150 Page Ave.

Purpose of hearing: Rezone from B-4 to Light Industrial

Legal Description: COM AT THE W ¼ COR OF SEC 6 TH N00°13'13"E ALG THE W SEC LN 480.23 FT (REC AS 468.02 FT) TH S89°32'00"E 385.71 FT FOR POB S89°32'00"E 418.93 FT TH S00°12'09"W 448.49 FT (REC AS 460.43 FT) TO LN OF PAGE AVE TH ALG A CURVE TO THE LEFT ALG SAID N LN 357.99 FT (REC AS 341.40 FT) SAID CURVE HAVING A RADIUS OF 1647.36 FT DELTA ANGLE OF 12°27'04" AND A CHORD OF 357.29 FT BEARING N83°40'31"W TH N89°20'07"W CONT ALG SAID N LN 63.81 FT TH N00°13'13"E 411.81 TO BEG. SEC 6 T3S R1E 4.06 A+/- SPLIT ON 02/03/2018 FROM 000-14-06-151-005-04;

Cindy Norris, Clerk

Leoni Township Office
913 Fifth Street
Michigan Center, Michigan 49254
PHONE: (517) 764-4694 FAX: (517) 764-1380
Leonitownship.com

PLANNING COMMISSION MINUTES
August 4, 2021 DRAFT

The Leoni Township Planning Commission held a meeting Wednesday, August 4, 2021 @ 6:00 p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

Meeting opened to call of the Chair: 6:04 pm

Members Present: V. Beckwith, R. Kinch, W. Miles, Connie Gibson & Judy Southworth

Members absent: D. Perrine and B. Lester

Persons in attendance: 6

Pledge of Allegiance

Purpose of Planning Commission read by V. Beckwith

Motion by R. Kinch supported by V. Beckwith to approve the August 4th Agenda as written
Motion adopted by voice vote

Motion by J. Southworth and supported by W. Miles to approve the July 21 minutes with the following changes:

Remove V. Beckwith from Members Present to Members absent

Change Purpose of Planning Commission read by V. Beckwith to J. Southworth

Motion adopted by voice vote

Public Comment: **Open at 6:04 pm.**
 No Comments
 Closed at 6:04 pm.

NEW BUSINESS:

- 1. 000-14-06-151-005-04**
3150 Page Ave. Rezone
GR Schultz Real Estate

Motion by J. Southworth and supported by R. Kinch to approve the rezone for property 000-14-06-151-005-04 at 3150 Page Ave. from Business (B4) to Light Industrial (ML).

5 Ayes: R. Kinch, W. Miles, C. Gibson, B. Lester, and J. Southworth

0 Nays:

Motion Carried

- 2. 000-14-07-451-002-01**
2648 E. South St. Rezone
DLG & Associates LLC

Motion by W. Miles and supported by J. Southworth to approve the rezone for property 000-14-07-451-002-01 at 2648 E. South St. from Heavy Industrial (M) to Light Industrial (ML).

5 Ayes: R. Kinch, W. Miles, C. Gibson, V. Beckwith, and J. Southworth

0 Nays:

Motion Carried

3. Adopting proposed Solar, The Ordinance

Discussion: J. Southworth stated that according to the ordinance written that nothing over 15 ft. tall would be allowed and that would mean Solar Farms and not wind turbines.

Motion by R. Kinch, supported by J. Southworth to Adopt the proposed Solar Ordinance as written.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

0 Nays:

Motion Carried

4. Amendment to Light Industrial zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by R. Kinch and supported by C. Gibson to approve the amendment to Light Industrial zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

0 Nays:

Motion Carried

5. Amendment to Heavy Industrial Zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by V. Beckwith, supported by R. Kinch to approve the amendment to Heavy Industrial zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

Motion Carried

6. Amendment to Agricultural zoning to allow Community Solar Energy System (CSES) (Also called "Solar Garden") and solar farms as a conditional use.

Motion by J. Southworth and supported by W. Miles to approve the amendment to Agricultural zoning to allow Community Solar Energy System and solar farms as a conditional use.

5 Ayes: R. Kinch, W. Miles, C. Gibson, J. Southworth and V. Beckwith

Motion Carried

OLD BUSINESS:

Master Plan - Discussion: W. Miles believe we should table the discussion of Master Plan until Grant Baumann can join us at the August 18th meeting.

Discussion: J. Southworth proposed to the Planning Commission that in-person meetings resume on August 4th.

Motion by R. Kinch, supported by C. Gibson to start In Person Planning Commission meetings on August 4th 2021.

5 Ayes: R. Kinch, C. Gibson, B. Lester, J. Southworth and W. Miles

Motion Carried

Motion by W. Miles, supported by J. Southworth to adjourn the meeting.

Motion adopted by voice vote

Meeting Adjourned 6:31 pm.

Next meeting: August 18, 2021



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-22

To: County Planning Commissioners

From: Grant E. Bauman

Date: September 1, 2021

Proposal: **Solar Energy Facility Regulations in Napoleon Township**

Background Information

Napoleon Township wishes to amend its Zoning Ordinance to include regulations for “small solar energy facilities” and “utility grid/large solar energy facilities (solar farms)”. The proposed amendments would:

- Section 15.1: add pertinent definitions.
- Section 9.11.22: add regulations for “utility grid/large solar energy facilities (solar farms)”.
- Section 4.23: add regulations for “small solar energy facilities”.

Staff Analysis and Advisement

The Township Board should address various outstanding issues prior to the adoption of the regulations:

1. **Section 15.1 (Definitions).** There are citations for a couple of definitions in Section 9.11.22 that are not included in the definitions proposed for Section 15.1. JCPC staff suggests that definitions be added for “power switchyard” and “medium voltage cable”. Staff further suggests that all of the definitions be grouped together under the heading “solar energy facility”.
2. **Section 3.10 (Schedule of Permitted and Conditional Uses).** “Small solar energy facilities (subject to the provisions of Section 4.23)” should be added to the schedule (i.e., table) as a permitted use (P) in all zoning districts. “Utility grid/large solar energy facilities (solar farms) (subject to the provisions of Section 9.11.22)” should be added to the schedule as a conditional use (C) in the “agricultural (AG)”, “limited industrial (LI)”, and “general industrial (GI)” districts. These are similar to the listings for “small wind energy facilities/systems” and “utility grid large wind energy facilities/systems”.
3. **Section 9.11.22 (Utility Grid/Large Solar Energy Facility (Solar Farm)).** The following changes to Section 9.11.22 are suggested:
 - a. **Organization.** It appears that the regulations were adapted from similar regulations in Summit Township’s zoning regulations. More care should be taken in adapting the format of the regulations to the template utilized throughout the Napoleon Township Zoning Ordinance. For example, the title of Section 9.11.22

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should be “Utility Grid/Large Solar Energy Facilities (Solar Farms)”, rather than including that title in Subsection (A). Also, subsection “(A)” should simply be subsection “A”.

- b. **Subsection (A)(1) (Location).** The district citation for Limited Industrial “(L-I)” should simply be “(LI)”. The district citation for General Industrial “(G-1)” should simply be “(GI)”.
 - c. **Subsection (A)(2)(a)2 (Maximum Height).** The subsection cites a definition for “power switchyard” that is not proposed for addition to Section 15.1; staff suggests adding the definition to Section 15.1. The subsection also references the maximum height regulations for buildings in “Article 3, page 16 of the zoning ordinance”. That citation should simply be “Section 3.11”.
 - d. **Subsection (A)(2)(a)4a (Safety/Access).** Subsection 4a refers to fencing requirements. A citation for Section 4.3 (fence regulations) is suggested.
 - e. **Subsection (A)(2)(a)7 (Medium Voltage Cable).** Subsection 7 cites a definition for “medium voltage cable” that is not proposed for addition to Section 15.1; staff suggests adding the definition to Section 15.1.
4. **Section 4.23 (Small Solar Energy Facility).** The following changes to Section 4.2.23 are suggested:
- a. **Organization 1.** The section is proposed as Section 4.2.23, which would add it to regulations pertaining to “landscaping, greenbelts and buffers, and screening”. JCPC staff suggests that the section be added as Section 4.23.
 - b. **Organization 2.** It appears that the regulations were adapted from similar regulations in Summit Township’s zoning regulations. More care should be taken in adapting the format of the regulations to the template utilized throughout the Napoleon Township Zoning Ordinance. For example, the title of Section 4.23 should be “Small Solar Energy Facility”, rather than including that title in Subsection (A). Also, subsection “(A)” should be subsection “4.23.1” or simply “A”.
 - c. **Subsection 4.23(A)(1)(d).** Why is the height of a ground-mounted facility limited to 12 feet for a “small solar energy facility” when it is 14 feet for a ground-mounted facility for a “utility grid/large solar energy facility (solar farm)”?

Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the zoning ordinance amendments regarding solar energy facility regulations to the Napoleon Township Board with the comments/suggestions made by staff (see the staff report).

Staff Report Attachments:

- *Background information provided by Napoleon Township.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Napoleon TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ ZONE TO _____ ZONE.

2. PURPOSE OF PROPOSED CHANGE:

See attached

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE 15, 3, 4, 9, 12 SECTION 15.1, 3.10, 4.2, 23, 9.11
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.)

See attached

C. **PUBLIC HEARING** on the above amendment was held on: month August day 26 year 2021

D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month August day 10 year 2021
(Notice must be provided at least fifteen days prior to the public hearing.)

E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: Exponent

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to () APPROVE or () DISAPPROVE.

John Hummer Mindy Rice, Recording Secretary 08 / 26 / 2021 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- () Recommends APPROVAL of the zoning change
() Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
() Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
() Takes NO ACTION.

_____, () Chair or () Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment () PASSED, () DID NOT PASS, or was () REFERRED ANEW to the Township Planning Commission.

Township Clerk

Article 15 Definitions

SMALL SOLAR ENERGY FACILITY. Accessory to a principal residential or small business use and converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. The sale and distribution of excess available energy shall be incidental and not the primary purpose of the facility. For ground-mounted facilities, the total area covered by solar arrays shall not exceed 10,000 square feet.

UTILITY GRID/ LARGE SOLAR ENERGY FACILITY (SOLAR FARM). A utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.

Section 9.11.22

(A) *Utility grid, large solar energy facility (solar farm).* The purpose of this subsection is to establish minimum requirements and regulations for the siting, installation, operation, repair, decommissioning, and removal of utility grid, large solar energy facilities (hereafter referred to as solar farms), as defined in (§ Zoning Ordinance) while promoting the safe, effective, and efficient use of such energy facilities as a conditional use in specified zoning districts. The following requirements shall apply to all solar farms:

(1) *Location.* All solar farms are limited to the Agricultural (AG), Limited Industrial (L-I), and General Industrial (G-1) districts.

(2) *Regulations and design standards.* All solar farms shall comply with the following minimum regulations and design standards.

(a) *Design standards.*

1. *Minimum lot size.* No solar farm shall be erected on any zoning lot less than 20 acres in size, unless recommended by the township planning commission and approved by the township board, in which case the minimum lot size shall be not less than 10 acres.

2. *Maximum height.* The maximum height for a solar panel shall be 14 feet, unless otherwise recommended by the township planning commission and approved by the township board. The maximum height of a power switchyard (as defined in § Zoning Ordinance) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the solar farm is located, as listed in Article 3, page 16 of the zoning ordinance. The height of required lightning rods attached to the power switchyard or solar farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the power switchyard and solar farm equipment from lightning.

3. *Setbacks.* Solar farm facilities and related structures and components shall be set back a minimum of 30 feet from all lot lines. In addition, solar farm solar arrays and other structures must be located at least 300 feet from the road right-of-way along US-127 and M-50; 150 feet from the road right-of-way along all other roadways, public and private; and 150 feet from any lot line adjacent to all existing Rural Residential (RR), Single-Family Residential (R-1), Multiple-Family Residential (RM), and Manufactured Housing Park (MHP) district land and any lot line adjacent to an existing residence at the time the solar farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts or to provide for designated road or utility corridors, as identified through the review process.

4. *Safety/access.*

a. Security fencing shall be installed around the solar farm as follows: fencing to be a minimum of 6 feet and a maximum of 8 feet in height; fencing to be located inside the perimeter of screening, if any. Additional height may be required. All fencing

shall comply with fencing requirements of the township zoning ordinance. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

b. Appropriate warning signage shall be placed at the entrance and perimeter of the solar farm.

5. *Noise.* No component of any solar farm shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations:

a. 60 dBA, as measured at the lot lines of the project boundary, or 50 dBA, as measured at the property line of any adjacent Rural Residential (RR), Single-Family Residential (R-1), Multiple-Family Residential (RM), and Manufactured Housing Park (MHP) district zoned land in existence at the time the solar farm is granted conditional use approval.

b. 45 dBA, as measured at any neighboring residence in existence at the time the solar farm is granted conditional use approval, between the hours of 9:00 p.m. and 7:00 a.m.

6. *Visual appearance.*

a. Solar farm buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the solar farm into the existing environment.

b. The perimeter of solar farm facilities shall also be screened and buffered by installing evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the solar farm's entire lot perimeter from adjacent parcels, subject to the following requirements:

i. Unless screened and buffered at all times by natural forest vegetation having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this subsection, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all solar farms.

ii. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of 6 feet in height. The evergreen trees or shrubs shall be spaced no more than 10 feet apart on center (from the central trunk of 1 plant to the central trunk of the next plant). Within five years of planting, required evergreen vegetative screening shall be no less than 15 feet tall.

iii. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this code and sufficient grounds for revocation of any conditional use permit previously granted.

iv. An alternate screening method may be considered for approval by the planning commission as long as it has a substantially similar obscuring effect of an evergreen buffer.

v. If the solar farm is not visible from any road and if the solar farm is not visible from any existing residence, the screening requirements may be modified at the discretion of the planning commission.

c. Lighting of the solar farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the solar farm. A photometric study may be used to make this determination.

d. No solar farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the zoning administrator, ordinance officer, or such other person designated by the township board to the owners of the solar farm that glare from the solar farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the solar farm shall have a reasonable time (not to exceed 90 consecutive days) from the date of such notice to remediate such glare. The zoning administrator may extend the allowed time for compliance.

7. *Medium voltage cable.* All power transmission and control lines (as defined in Article 15, Section 15.1) within the project boundary shall be installed underground unless determined otherwise by the planning commission because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), and except for power switchyards (as defined in the township zoning ordinance) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

(b) *Local, state and federal permits.* A solar farm shall be required to obtain all necessary permits from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and any applicable municipal, county, state, or federal permits.

(c) *Agreements/easements.* If the lot on which the project is proposed is to be leased, rather than owned, by the owner of the solar farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the solar farm and property owners must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.

(3) *Permit applications.*

(a) An application for a conditional use permit to establish a solar farm must include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Article 9 of the township zoning ordinance will be met. Supporting documentation for addressing the review criteria of the township zoning ordinance is also to be provided. The planning commission and township board may require any information reasonably necessary to determine compliance with this code. The application must also be accompanied by detailed site plans drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the solar farm;

2. Names of owners of each lot or parcel within Napoleon Township that is proposed to be within the solar farm;

3. Vicinity map showing the location of all surrounding land uses;

4. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a solar farm;

5. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property;

6. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the solar farm and within 1,000 feet of the outside perimeter of the solar farm;

7. Proposed setbacks from the solar array(s) to all existing and proposed structures within the solar farm;

8. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the solar farm;

9. Access driveways within and to the solar farm, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation approval, and shall be planned so as to minimize the use of lands for that purpose;

10. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the solar farm;

11. A written description of the maintenance program to be used for the solar array(s) and other components of the solar farm, including decommissioning and removal when determined by the township to be obsolete, uneconomic, or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the solar farm becomes obsolete, uneconomic or abandoned;

12. A copy of the manufacturer's safety measures;

13. Planned lighting protection measures; and

14. Additional detail(s) and information as required by the conditional use permit requirements of the township zoning ordinance, or as required by the Planning Commission.

(b) It is preferred that any related conditional use permit applications for substations or new transmission lines be considered in conjunction with the conditional use permit application for the solar farm; however, if the details of those improvements are not available at the time of application for the solar farm, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the solar farm.

(c) Due to the complexity of solar farm projects, the township may require a development agreement or other appropriate instrument to address taxing, property

assessment, decommissioning bond, and other related issues not addressed by this subsection. A development agreement may be required as a condition of the permit, and must be approved by the Township Board prior to commencing construction.

(4) *Provisions for conditional use permit review.* In addition to the standards set forth for conditional use approval in Article 9 of the township zoning ordinance, additional consideration shall be given to the following:

(a) *Project rationale.* Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.

(b) *Siting considerations.* Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.

(c) *Wildlife habitat areas and migration patterns.* Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with the Michigan Department of Natural Resources and Michigan Department of Environment, Great Lakes and Energy will be necessary.

(d) *Environmental analysis.* The township planning commission may require an analysis of impacts to historic, cultural and archaeological resources; soil erosion (water and wind); flora; and water quality and water supply in the area when there is reason to believe that adverse impacts to such may occur.

(e) *Hazardous waste.* As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.

(f) *Transportation plan for construction and operation phases.* Proof of an agreement with the Jackson County Department of Transportation and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.

(g) *Public safety.* Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, and the like that may be created by the project.

(h) *Decommissioning plan.* Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (i.e., township, any lessor or property owner, etc.) that ensure proper final reclamation of the solar farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. The ground must be restored to its original condition within 180 consecutive days.

(5) *Application escrow account.* An escrow account shall be deposited with the township by the applicant when the applicant applies for a conditional use permit for a solar farm. The monetary amount deposited by the applicant in escrow with the township shall be the amount estimated by the township to cover all reasonable costs and expenses associated with the conditional use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the township may require that the applicant place additional funds into escrow with the township if the existing escrow amount deposited by the applicant is deemed insufficient by the township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the review process shall cease unless and until the applicant makes the required additional escrow deposit.

(6) *Decommissioning escrow account.* If a conditional use permit is approved pursuant to this subsection, the township shall require security in the form of a cash deposit, or surety bond acceptable to the township, which will be furnished to the township in order to ensure full compliance with this subsection and all conditions of approval. When determining the amount of each required security, the township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use permit has been approved but before construction commences on the solar farm. At a minimum, the financial security shall be in an amount determined by the township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the solar farm. Such financial security shall be kept in full force and effect during the entire time that the solar farm exists or is in place, and such financial security shall be irrevocable and non-cancelable.

(7) *Code compliance.* Construction of a solar farm shall comply with the National Electric Safety Code and any applicable Michigan construction codes as a condition of any conditional use permit under this subsection.

(8) *Certified solar array components.* Components of a solar farm shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization acceptable to the township.

(9) *Solar access.* The township makes no assurance of solar access other than the provisions contained within this subsection. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar farm.

Penalties for noncompliance, see Article 12, Section 12.5.4.

Section 4.2.23

(A) *Small solar energy facility.* Notwithstanding other provisions of this subsection, small roof-mounted or ground-mounted solar energy facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A small solar energy facility (as defined in Article 15, Section 15.1) shall be required to have appropriate building permits.

(1) All small solar energy facilities are subject to the following minimum requirements:

(a) A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

(b) A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Napoleon Township acknowledging and approving such connection.

(c) A roof-mounted facility may be mounted on a principal building or accessory building. A roof-mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.

(d) A ground-mounted facility shall not exceed a height of 12 feet.

(e) The surface area of the solar panels of a ground-mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

(f) A ground-mounted facility or roof-mounted facility attached to an accessory building shall not be located within the required front yard setback.

(g) The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district or the setback of the principal structure, whichever is greater.

(h) All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least 50% of plants must be evergreen. In lieu of a planting screen, a decorative fence that meets the requirements of Article 4, Section 4.3, and is at least 50 percent opaque may be used.

2. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

3. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.

- i. All solar energy components shall be placed such that concentrated solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
- ii. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.
- iii. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations.

(j) All power transmission lines from a ground-mounted small solar energy facility to any building or other structure shall be located underground.

(k) A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign ordinance.

(l) 1. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

2. All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Michigan.

(m) The small solar energy facility shall comply with all applicable township ordinances and codes so as to ensure the structural integrity of such facility.

(n) Before any construction can commence on any small solar energy facility the property owner must acknowledge that he or she is the responsible party for owning/leasing and maintaining the solar energy facility.

(2) If a ground-mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground-mounted facility shall be graded and reseeded.

(3) If a ground-mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of 180 consecutive days), is defective, or is deemed to be unsafe by a township official, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards or be removed by the property owner within the time period allowed by the township official. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the township may pursue a legal action to have the facility removed at the owner's expense.

(4) *Solar access.* The township makes no assurance of solar access other than the provisions contained within this subsection. The applicant shall provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

Penalties for noncompliance, see Article 12, Section 12.5.4.

Napoleon Township Planning Commission
August 26, 2021

Call to Order: 6:08 p.m.

S. Miles motioned, J. Kirkpatrick seconds Mindy Rice to act as secretary for this meeting as John Hummer is absent. All ayes, motion passed.

Commission Members Present: Scott Miles; Heidi Richardson; Mindy Rice; Jeff Kirkpatrick

Commission Members Absent: James Gray; Mark LaRocque; John Hummer

Also Present: John Worden, Napoleon Township Zoning Administrator

Pledge of Allegiance

Additions/Changes to Agenda: None

Approval of Agenda for August 26, 2021: Motion by J. Kirkpatrick, seconded by H. Richardson to approve agenda for August 26, 2021. All ayes. Motion passed

Minutes from April 22, 2021 and May 27, 2021: Motion by J. Kirkpatrick, seconded by S. Miles to approve the April 22, 2021 and May 27, 2021 meeting minutes. All ayes. Motion passed.

Discussion: Motion by J. Kirkpatrick and seconded by H. Richardson to recommend to Township board that commissioner James Gray be removed and replaced as he is unable to attend meetings. All ayes. Motion passed.

Public Hearing: Motion by M. Rice and seconded by Heidi Richardson to open the public hearing at 6:25 p.m. for the Napoleon Township Solar and Utility Grid Zoning Ordinance. All ayes, motion passed. There were no public comments. Motion by H. Richardson and seconded by J. Kirkpatrick to close the public hearing. All ayes. Motion passed. J. Kirkpatrick motioned, H. Richardson seconded to recommend adoption of the Solar and Utility Grid Zoning Ordinance as presented. All ayes. Motion passed.

Public Comment- Non-Agenda Items: None.

Adjourned, 7:51 p.m.

Mindy Rice, substitute secretary

NOTICE

The Napoleon Township Planning Commission will hold a public hearing August 26, 2021 at 6:00 p.m. in the Township Hall, 6775 Brooklyn Road, Napoleon, MI 49261.

At this time all interested parties will be heard on the request of the Napoleon Township Planning Commission, 6775 Brooklyn Road, Napoleon, MI 49261 to add the following definitions to Article 15, Small Solar Energy Facility Article 3 - Permitted and Conditional Uses add Permitted Uses in all districts for Small Solar Energy Facilities and Conditional Use in Agricultural and Industrial Districts for Utility Grid/Large Solar, Article 4 – Section 4.2.23-General Provisions add Additional Development Requirements for Small Solar Energy Facilities and Article 9 Conditional Use Provisions Section 9.11.22 add Additional Development Requirements for Utility Grid Large Solar Energy Facility (Solar Farm), Article 12 – Section 12.5.4 Penalties for noncompliance. The requests are more particularly described and on exhibit at the Township Office. Napoleon Township Office is open Monday - Thursday from 7:00 a.m. to 5:00 p.m. during which time the Zoning Ordinance/Zoning Map may be examined. John Worden, Zoning Administrator

The Exponent
Insertion Date: August 10, 2021

Copy to John Hummer, Clerk

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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-23

To: County Planning Commissioners
From: Grant E. Bauman
Date: September 1, 2021

Proposal: Recreational Marihuana Facility Definitions in Pulaski Township

Background Information

The Pulaski Township Planning Commission submitted amendments to the JCPC in July of 2021 (i.e., CZ #21-16) that would allow for various types of Recreational (Adult-Use) Marihuana Facilities as permitted uses in the Township's Agricultural District (AG-1), Local Commercial District (C-1), and Light Industrial District (I-1). However, definitions were not provided for those facilities. Staff advised the JCPC to recommend approval with comments of the proposed amendments, noting the need for definitions in the zoning ordinance. The JCPC then passed a motion recommending disapproval of the amendments, citing the need for definitions regarding the new facilities.

The Pulaski Township Planning Commission is now submitting those definitions for amendment into the Pulaski Township Zoning Ordinance. The following amendment is proposed to Section 2.2 (definitions) of the ordinance:

Recreational (Adult-Use) Marihuana Facility(ies):

"Recreational (Adult-Use) Marihuana Facility(ies)" means any facility, establishment and/or center that is required to be licensed under the Pulaski Township Recreational Marihuana Facilities Licensing and Regulations Ordinance #29, including a Grower, Processor, Retailer, Safety Compliance Facility and a Secure Transporter.

- A. "Grower" or "Grower Facility" means a commercial entity that cultivates, dries, trims or cures and packages marihuana for sale to a Processor or Retailer.
- B. "Processor" or "Processor Facility" means a commercial entity that purchases marihuana from a Grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer, in packaged form, to a Retailer.
- C. "Retailer" means a commercial entity that purchases marihuana from a Grower or Processor and sells or transfers to only an individual 21 years of age or older.
- D. "Safety Compliance Facility" means a commercial entity that receives marihuana from a Recreational (Adult-Use) Marihuana Facility, tests it for contaminants and for

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tetrahydrocannabinol and other cannabinoids, returns the test results and may return the marihuana to the Recreational (Adult-Use) Marihuana Facility.

- E. "Secure Transporter" means a commercial entity that stores marihuana and transports marihuana between Recreational (Adult-Use) Facilities for a fee.

Staff Analysis and Advisement

The proposed definitions simply address the absence of Recreational (Adult-Use) Marihuana Facility definitions noted by the JCPC in July of 2021. The only caution is to have all of the definition headings match the uses (as proposed in July of 2021), thereby removing any ambiguity. For example, "retailer" should be listed as "retail center" or even "commercial recreational marihuana adult-use retail center".

Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the zoning ordinance amendments regarding recreational marihuana facility definitions to the Pulaski Township Board, noting the comment provided in the staff report (see the staff report).

Staff Report Attachments:

- *Background information provided by Pulaski Township.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE PULASKI TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____) ZONE TO _____ (_____) ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE II SECTION 2.2 Definitions
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) See attached

C. PUBLIC HEARING on the above amendment was held on: month August day 17 year 2021

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month July day 31 year 2021
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Joe Travis ☒ Chair or ☐ Secretary 8/17/21 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- ☐ Recommends APPROVAL of the zoning change
☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
☐ Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

Township Clerk

Recreational (Adult-Use) Marihuana Facility(ies):

“Recreational (Adult-Use) Marihuana Facility(ies)” means any facility, establishment and/or center that is required to be licensed under the Pulaski Township Recreational Marihuana Facilities Licensing and Regulations ordinance #29, including a Grower, Processor, Retailer, Safety Compliance Facility and a Secure Transporter.

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- C. “Retailer” means a commercial entity that purchases marihuana from a Grower or Processor and sells or transfers to only an individual 21 years of age or older.
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- E. “Secure Transporter” means a commercial entity that stores marihuana and transports marihuana between Recreational (Adult-Use) Facilities for a fee.

PULASKI TOWNSHIP

The Pulaski Township Planning Commission will hold a public hearing during its regularly scheduled meeting on August 17, 2021 at 6:30 p.m.

The purpose of this hearing will be to approve additional wording to the Recreational Marihuana Zoning Amendment.

*Published 7/31/21
The Salesman*