

AGENDA
MARION TOWNSHIP PLANNING COMMISSION
April 28, 2025
7:00 P.M.

Call To Order/ Pledge of Allegiance

Approve Minutes of 3/24/25

Zoning Administrator Report

Public Comments – Limited to 3 minutes per person

Business Items:

Blight Ordinance

AG. District Updates

Correspondence

Planning Commission By Laws

Next Meeting 5/26/25

Adjourn

Township of Marion

Blight Ordinance

Ordinance No. (#)

PURPOSE

An ordinance to provide for the regulation and control of the accumulation and removal of items that no longer have significant value and therefore become a blight on the community. The term "blight" or "junk" here after shall be known as blight.

Blight means:

A. Rubber, cloth, paper, plastic, rubbish, refuse, litter.

B. Materials from demolition and waste building materials. Specifically rotting building materials.

C. Collapsed structures.

But shall not include:

A. Ferrous or nonferrous materials including scrap, automobiles, farm equipment, boats, small engine equipment, firewood, logs, trailers and all other machines.

B. Items that are classic or antique kept and collected for their antique or collectible value.

C. Usable building materials.

D. Usable tires.

E. Items, processes or procedures used for the purpose of agriculture, farming or homesteading / self sufficiency.

F. Dilapidated buildings.

G. Agricultural, Commercial, or Industrial vehicles.

Items not considered blight shall be arranged and stored in a neat and orderly fashion with encouragement to minimize visibility from public roads.

It shall be unlawful for any person to store or to permit the storage or accumulation of blight as defined in the ordinance. The term "person" shall include all natural persons, firms, co-partnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by servant, agent, or employee.

All persons who violate any provisions of this ordinance, whether as owner, occupant, lessor, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.

PROHIBITED CONDITIONS

No person, firm, or corporation shall permit or maintain any of the following conditions on any property within Marion Township:

1. Accumulation of blight that is visible from a public roadway or neighboring property.
2. Any building or structure that is collapsed or unsafe, posing a risk to public health and safety.
3. Any condition that harbors vermin, rodents, or presents a risk to public health.

ENFORCEMENT

1. The Zoning Administrator shall have the authority to enforce this ordinance.
2. Upon receiving a complaint the Zoning Administrator shall inspect the property and issue a verbal notice of violation if blight conditions are found.
3. The property owner shall have 30 days to correct the violation. If a reasonable attempt is being made to clean up, the enforcement action may be delayed at the discretion of township officials.
4. If the violation is not remedied within the specified time frame, the township may take corrective action at the property owner's expense, including but not limited to:
 - Issuing civil infractions or fines
 - Removing blight conditions through township resources or hired contractors
 - Placing a lien on the property for costs incurred

PENALTIES

1. A first-time violation of this ordinance shall result in a warning notice.
2. A second violation within [specified timeframe] shall result in a fine of [amount,]
3. Subsequent violations shall result in escalating fines, not to exceed [\$amount] per violation.
4. If violations persist, the township may seek legal action, including injunctive relief.

APPEALS

Property owners may appeal a violation notice in writing to the [Township Board/Zoning Board of Appeals] within [timeframe] of receiving notice.

SEVERABILITY

If any part of this ordinance is found to be invalid or unenforceable, the remaining provisions shall continue in effect.

EFFECTIVE DATE

This ordinance shall take effect [date] after its adoption and publication as required by law.

Adopted by the Marion Township Board on [date].

MARION TOWNSHIP PLANNING COMMISSION

Minutes of the Regular Marion Township Planning Commission meeting held on March 24, 2025.

Call to Order: Chairman Hilton called the regular meeting to order at 7:00pm with the Pledge of Allegiance to the Flag.

Roll Call: Members present were Ron Hilton, Dana Dvoracek, April Hilton, Joel Donaldson and Caleb Simmonds.

Absent: John Ochs .

Minutes of Previous Meeting: Moved by Mr. Dvoracek to approve the minutes of the regular Planning Commission meeting held on February 24th, 2025 as presented. Seconded by Mr. Simmonds. Carried.

Zoning Administrator's Report: Planning Commission members reviewed a written report that was submitted Zoning Administrator John Ferguson.

Public Comments: Public Comment Opened at 7:04 pm. Resident requested the Planning Commission look at adjusting their bylaws so that a member of the Planning Commission must be a resident of Marion Township, would like to see the ZBA do the same. Mr. Hilton responded the Planning Commission will be discussing this change in their bylaws during tonight's meeting. Resident stated they would like Blight Ordinance complaints to be public. Shared their concern for planes and drones being used to find Blight and does not support the idea of someone from the township coming onto peoples property to remove items found as blight. Feels the abandoned vehicle and noise regulations in the proposed draft are not needed and to strict. Feel some of the subjects of a Blight Ordinance is going to be very difficult and suggested not having a blight ordinance. Mr. Hilton responded the Blight Ordinance is very difficult to determine and the Planning Commission is working very hard and diligently to create a blight ordinance to best serve the township. Resident requested an update on the discussion for the airfield complaint and construction business on Black Road. Mr. Hilton stated those items will be addressed within the next couple of months. Resident stated the current dwelling unit minimum for R1 districts is currently 1056sqft and for Agricultural it is 700sqft. In their research they found other adjoining townships have smaller dwelling unit allowances, suggested Marion Township look into decreasing their minimum required square footage for a dwelling unit in the R1 and AG zoning districts. Resident stated they tend to gather junk tires throughout the year then discard them all at once, and looking at the proposed Blight Ordinance draft they have concern they will be required to discard of them more regularly which will cost them more. Also shared concerns for the proposed regulations for abandoned vehicle specifically for unregistered vehicles. Public Comment closed at 7:20pm.

PC By Laws Amendments: Moved by Mr. Dvoracek to approve an amendment to the Marion Township Planning Commission By Laws under 3.1. Seconded by Ms. Hilton. Carried.

Blight Ordinance: The Planning Commission members reviewed and discussed two new proposed Blight Ordinance Drafts. A new draft with the edits discussed at the meeting will be presented at the next regularly scheduled Planning Commission meeting.

Next Regular Meeting: Next regular Planning Commission meeting is scheduled for April 28, 2025.

Adjournment: Being no further business, meeting adjourned by the Chairman at 8:39pm.

April Hilton, Secretary
Marion Township Planning Commission

April 21, 2025

MARION TOWNSHIP

ZONING ADMINISTRATOR'S REPORT FROM MARCH 24 THRU APRIL 21, 2025

ZONING PERMITS ISSUED: ZERO (0)

PARCEL DIVISIONS/PROPERTY TRANSFERS: ZERO (0)

MISCELANEOUS INFORMATION:

I'm working with a couple of people that are either planning on splitting their property or building new homes.

Tiny homes have been brought up a lot lately.

Last week, I did final inspections on a couple of builds and found them to be in reasonable compliance with their submitted site plans and our requirements.

Fees collected ----- \$0.00

Total miles driven -----46 miles


John E. Ferguson, P.S., Zoning Administrator

Ron

Aviation

Private airports, airstrips, hangers and windsocks shall be an allowed use in AG districts with the following stipulations. Commercial aviation operations shall not be allowed to take place with the exception to agricultural aviation. Commercial skydiving operations shall not be allowed, including the use of a property as a commercial skydiving drop zone. ~~§~~ shall not be allowed. Only grass runways and grass landing strips shall be allowed; paved runways are prohibited. From the following categories only the following classes shall be permitted, airplanes: single engine and twin engine, rotorcraft: helicopter, gyroplane, and tiltrotor, lighter than air or aerostats: airship and balloon. Gliders, powered parachutes, and all forms of light sport aircraft shall also be allowed. Jets are expressly forbidden.

**Marion Township
01362 Matchett Rd.
Charlevoix, MI 49720**

April 23, 2025

Attn: Planning Commission Members

RE: Zoning Ordinance Amendments

PC Members,

After doing a through research of Township records, I found 6 Zoning Ordinance amendments that have been duly enacted, but were never incorporated in the Zoning Ordinance document we have been referencing. In the past, once we adopted an amendment our former Planner, (Mary Campbell), would see to it that the new amendment was incorporated into the proper place in the Zoning Ordinance document and get us new copies, as needed, of the Ordinance. All but one of these more recent amendments were done during the time Jessica Spencer was serving as our Planner, and she never took that final step in getting the amendments into the Ordinance document and providing the PC with new copies. The final amendment was regarding solar arrays which we did with Bryan Graham, and Eric Hoffman was acting as the "Planner" to some degree. At least he said we didn't need a Planner at that point, rather he would do the duties of a "Planner". Regardless whether or not the amendments were incorporated into the ZO we've been referencing; the amendments are indeed in effect.

Attached you will find a copy of the 6 amendments which are:

Ordinance #1 of 2017 Tiny Houses
Ordinance #1 of 2020 Family Care Homes
Ordinance #2 of 2020 Signs
Ordinance #3 of 2020 Medical Marihuana
Ordinance #4 of 2020 Towers
Ordinance #7 of 2023 Solar Energy Systems

I have sent this information to your current Planner, Chris Grobbel for his information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy Matchett".

Timothy Matchett
Marion Township Clerk

**Marion Township
Ordinance 1 of 2017**

An Ordinance to amend Article II, Section 2.02: Definitions, Article III: General Provisions, Article V: District Regulations, and Article X: Administration and Enforcement of the Marion Township Zoning Ordinance.

Marion Township Hereby Ordains:

Section 1. Amendment of Article II: Rules of Construction and Definitions

The following definitions in Article II, Section 2.02 Definitions of the Marion Township Zoning Ordinance are hereby amended to read as follows:

Section 2.02 – Definitions

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure. Accessory structures are permitted to contain features, such as a full kitchen and bathroom facilities, that form not more than one (1) habitable dwelling unit.

Dwelling Unit: A building or portion of a building, meeting all the requirements of the Charlevoix County Department of Building Safety, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent, tiny house on wheels or other such portable structures be considered a dwelling unit.

Dwelling, Accessory Apartment: A dwelling unit for accessory use, which is clearly incidental to the principal dwelling unit, for not more than one (1) family, contained within a single-family dwelling or a detached accessory structure, and that meets all the requirements of Section 3.25 and the Charlevoix County Department of Building and Safety.

Dwelling, Single-Family: A detached building, separate and distinct from any other dwelling, and that does not share a party wall with any other dwelling, containing not more than one dwelling unit designed for residential use. A single family dwelling may also contain not more than one (1) accessory dwelling.

Dwelling, Two-Family: A single family dwelling attached to one (1) other single family dwelling by a common wall (also known as a "duplex").

Efficiency Unit: A dwelling unit within and part of a building consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Section 2. Amendment of Article III: General Provisions

Article III, Section 3.22 Minimum Number of Parking Spaces, subsection 8, shall be amended to read as follows:

Dwellings. Two (2) parking spaces for each dwelling unit, except that only one (1) parking space is required for each accessory dwelling.

Article III, Section 3.25 Business Accessory Dwelling is hereby amended to read in its entirety as follows:

Section 3.25 Accessory Dwellings

The intent of this section is to:

1. Retain the rural and scenic character of the township by allowing higher density that can help to protect farmland.
2. Provide housing that responds to changing family needs, smaller households, and increasing housing costs.
3. Allow for a diversity of housing sizes and types to accommodate a growing population with different household types and income levels.

Accessory dwellings shall meet all the following requirements:

1. Accessory dwellings are permitted only as an accessory use to an owner-occupied single family dwelling or to a legally operating business.
2. A maximum of one accessory dwelling is permitted per lot, except that a pre-existing residential use of a detached single family dwelling on a parcel with a legally operating business shall be permitted to continue as a second accessory dwelling.
3. An accessory dwelling may be incorporated into a detached single-family dwelling, accessory structure, or legally operating business.
4. An accessory dwelling may only be constructed on a lot meeting the minimum lot size and dimensional standards of the zoning district in which it is proposed.
5. An applicant for an accessory dwelling shall provide to the Zoning Administrator proof from the County Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents.

Section 3. Amendment of Article V: District Regulations

Article V, Section 5.08 Schedule of Regulations shall be amended to read as follows in its entirety:

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure	Minimum Yard Setbacks			Minimum Floor Area	
		Area	Width		Front	Side	Rear	Width	Area
R-1	Single Family Residential	2 ac (a)	100 ft (b)	35 ft	35 ft	10 ft (c)	35 ft	10 ft	200 sf
R-2	Mixed Residential	2 ac (d)	100 ft (b)	35 ft	35 ft	10 ft (c)	35 ft	10 ft	200 sf (e)
MH	Mobile Home Park	---	---	35 ft	---	---	---	---	---
C-1	Community Service	---	100 ft	35 ft	50 ft	10 ft	50 ft (f)	---	---
C-2	General Commercial	---	100 ft	35 ft	50 ft	10 ft	50 ft (f)	---	---
I	Industrial	1 ac	200 ft	35 ft	50 ft (g)	10 ft (h)	50 ft (f) (g)	---	---
A	Agricultural	See 5.07.6 for options		35 ft	50 ft	20 ft	20 ft	10 ft	200 sf

- a) 18,000 square feet minimum lot area with sewer.
b) 125 ft lot width required for a two-family dwelling.
c) Corner lots will be considered to have two front yards.
d) 12,000 square feet minimum lot area with sewer.
e) A minimum of 864 s.f. dwelling unit area, per unit, is required where two (2) or more residential units are located on the same lot.
f) Shall be reduced to 25 feet where the rear yard abuts property in the Community Service Commercial, General Commercial, Industrial or Agricultural District.
g) For a lot of record with lot depth of 100 feet or less, the front and rear yard setbacks may each be reduced to 25 feet.
h) Side setback may be reduced to 5 feet where adjacent to property in the Industrial District.

Section 4. Amendment of Article X: Administration and Enforcement

Article X, Section 10.02, subsection 1 shall be amended to read in its entirety as:

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise permitted for in this ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than 200 sf in size that does not include an accessory dwelling.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 6. Conflicts.

If any provision of the Marion Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 7. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Marion

By: 

Timothy Matchett, Clerk

Adoption Date: September 18, 2017

Effective Date: October 6, 2017

**Marion Township
Ordinance 1 of 2020**

An Ordinance to amend Article II, Section 2.02 and Article V: District Regulations of the Marion Township Zoning Ordinance to comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: to add the definition for Family Child Care Homes, Group Child Care Home, Adult Foster Care Facility, Adult Foster Care Family Home, Foster Family Home, and Foster Family Group Home, amend the definition for Assisted Living Family Homes; to add Family Child Care Homes, Adult Foster Care Family Home, Foster Family Home, and Foster Family Group Home as a permitted use in the Single Family Residential District (R-1), the Mixed Residential District (R-2), the Mobile Home Park District (MH), as well as the Agricultural District (A), to add Group Child Care Homes as a special use in the Single Family Residential District (R-1), the Mixed Residential District (R-2), the Mobile Home Park District (MH), the Community Service Commercial District (C-1), and to add the Agricultural District (A) and; to add Assisted Living Family Homes as a permitted use in the Mobile Home Park District.

Marion Township Hereby Ordains:

Section 1. Amendment of Article II, Section 2.02 Definitions

The following definitions are hereby added in their proper alphabetical location to Article II, Section 2.02 Definitions of the Marion Township Zoning Ordinance:

Foster Care Facility, Adult: An establishment that provides foster care to adults, aged 18 and over, as licensed and regulated by 1979 PA 218, MCL 400.703, who are aged, mentally ill, developmentally disabled or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.

Foster Care Family Home, Adult: An adult foster care facility that is a private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Foster Family Home: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Foster Family Group Home: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Family Child Care Home: A private home where between one (1) and six (6) children are received for care and supervision, as defined in section 1 of 1973 PA 116, MCL 722.111; only applies to the bona fide private residence of the operator of the family home.

Group Child Care Home: A private home where between seven (7) and twelve (12) children are received for care and supervision, as defined in Section 1 of 1973 PA 116, MCL 722.111; only applies to the bona fide private residence of the operator of the group child care home.

The following definition is hereby amended to read as follows:

Assisted Living Family Home: An assisted living community operated in a single family dwelling serving up to 6 persons, where the person legally responsible for the home is the primary caregiver and resides in the home or; an assisted living community operated in a single family dwelling serving between 1 and 4 adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

9. Section 2. Amendment of Article V: District Regulations, Section 5.01 – Single Family Residential District to add Family Child Care Homes, Adult Foster Care Family Homes, Foster Family Homes, and Foster Family Group Homes as a permitted use.

Article V, Section 5.01.2 – Permitted Uses is hereby amended to add the following:

6. Family Child Care Homes
7. Adult Foster Care Family Home
8. Foster Family Home
9. Foster Family Group Home

Section 3. Amendment of Article V: District Regulations, Section 5.02 – Mixed Residential District to add Family Child Care Homes, Adult Foster Care Family Homes, Foster Family Homes, and Foster Family Group Homes as a permitted use.

Article V, Section 5.02.2 – Permitted Uses is hereby amended to add the following:

10. Family Child Care Homes
11. Adult Foster Care Family Home
12. Foster Family Home
13. Foster Family Group Home

Section 4. Amendment of Article V: District Regulations, Section 5.03 – Mobile Home Park District to add Family Child Care Homes, Assisted Living Family Homes, Adult Foster Care Family Homes, Foster Family Homes, and Foster Family Group Homes as a permitted use.

Article V, Section 5.03.2 – Permitted Uses is hereby amended to add the following:

4. Family Child Care Homes
5. Assisted Living Family Homes
6. Adult Foster Care Family Home
7. Foster Family Home
8. Foster Family Group Home

Section 5. Amendment of Article V: District Regulations, Section 5.07 – Agricultural District to add Family Child Care Homes, Adult Foster Care Family Homes, Foster Family Homes, and Foster Family Group Homes as a permitted use.

Article V, Section 5.07.2 – Permitted Uses is hereby amended to add the following:

11. Family Child Care Homes
12. Adult Foster Care Family Home
13. Foster Family Home
14. Foster Family Group Home

Section 6. Amendment of Article V: District Regulations, Section 5.01 – Single Family Residential District to add Group Child Care Homes as a use subject to special approval.

Article V, Section 5.01.3 – Uses Subject to Special Approval is hereby amended to add number 19 to read as follows:

19. Group Child Care Homes

Section 7. Amendment of Article V: District Regulations, Section 5.02 – Mixed Residential District to add Group Child Care Homes as a use subject to special approval.

Article V, Section 5.02.3 – Uses Subject to Special Approval is hereby amended to add number 15 to read as follows:

15. Group Child Care Homes

Section 8. Amendment of Article V: District Regulations, Section 5.03 – Mobile Home Park District to add Group Child Care Homes as a use subject to special approval.

Article V, Section 5.03.3 – Uses Subject to Special Approval is hereby amended to add number 2 to read as follows:

2. Group Child Care Homes

Section 9. Amendment of Article V: District Regulations, Section 5.04 – Community Service Commercial District to add Group Child Care Homes as a use subject to special approval.

Article V, Section 5.04.3 – Uses Subject to Special Approval is hereby amended to add number 13 to read as follows:

13. Group Child Care Homes

Section 10. Amendment of Article V: District Regulations, Section 5.07 – Agricultural District to add Group Child Care Homes as a use subject to special approval.

Article V, Section 5.07.3 –Uses Subject to Special Approval is hereby amended to add number 28 to read as follows:

28. Group Child Care Homes

Section 11. Amendment of Article VIII: Supplemental Site Development Standards, Section 8.01 – Supplemental Site Development Standards to add Group Child Care Homes in its proper alphabetical location.

Article VIII, Section 8.01 – Supplemental Site Development Standards is hereby amended to add Group Child Care Homes to read as follows:

9. Group Child Care Homes:

Group Child Care Homes shall be duly licensed by the state and shall meet all of the standards of Section 206(4) of 2006 PA 110, MCL 125.3206.

Section 12. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 13. Conflicts.

If any provision of the Marion Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 14. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Marion

By: 

Timothy Matchett, its Clerk

Adoption Date: March 16, 2020

Effective Date: April 7, 2020

**Marion Township
Ordinance 2 of 2020**

An Ordinance to amend Article III: General Provisions, Sections 3.04 and 3.17 of the Marion Township Zoning Ordinance to comply with the June 18, 2015 U.S. Supreme Court ruling in *Reed v Town of Gilbert* and remove content-based sign regulations; and to allow signs containing flashing, intermittent, or moving lights.

Marion Township Hereby Ordains:

Section 1. Amendment of Article III, Section 3.04 – Temporary Buildings

Article III, Section 3.04 of the Marion Township Zoning Ordinance is hereby amended to remove the words “construction related” and to read as follows:

Temporary buildings for use incidental to construction work, all debris, and all signs shall be removed within one hundred eighty (180) days after the completion, occupancy, or abandonment of the work.

Section 2. Amendment of Article III, Section 3.17 – Signs

Article III, Section 3.17 of the Marion Township Zoning Ordinance is hereby amended to read as follows:

Section 3.17 – Signs

The purpose of this section is to preserve the desirable character of Marion Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding four (4) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state or county agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.

- D. Signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
 - E. Signs marking an historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the zoning district whichever is less.
 - F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
 - G. Temporary signs related to events or sales such as, but not limited to, construction or renovation of a building, real estate for sale, political campaigns, garage, estate, auction, moving, or yard sales, shall be removed within twenty-four (24) hours of the end of the event or sale, provided the sign surface does not exceed the maximum size limitation for the applicable zoning district.
2. The size of any publicly displayed sign, symbol or notice on a premises shall be regulated as follows:
- | <u>Use District</u> | <u>Maximum Size of Signs *</u> |
|---------------------|--|
| R-1 and R-2 | Six (6) square feet |
| C-1, C-2, I and A | One (1) freestanding sign eighty (80) square feet plus wall sign(s) not to exceed a max of 20% of building face to which it is attached or parallel. |
- * Only one side shall count toward total sign area
 ** Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than eighty (80) square feet per sign.
3. In addition to the size limitations stated in Subsection 3.17.2 above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:
- A. No sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by the Planning Commission (PC) as part of an approved site plan. After approval, the required sign permit shall be issued by the ZA.
 - B. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
 - C. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, except if the signs are provided by the Michigan Department of Transportation and approved by the Zoning Administrator.

- D. Freestanding signs, may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of sixteen (16) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- E. Both sides of any freestanding or overhanging sign may be used for display.
- F. All signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all districts.
- G. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.
- H. Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- I. For multiple freestanding signs Planning Commission approval is required, based upon building size, location, length of street frontage, multiple entrances and lot size. The cumulative total sign area for on-site signs shall not exceed that allowed in the district as per 3.17.2.
- J. Devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for not more than one (1) period of up to thirty (30) consecutive days in a calendar year.
- K. The use of any lawful sign erected prior to this ordinance and in use at the date this ordinance is enacted, which does not meet these standards may be continued. Such signs shall be designated as "Nonconforming signs. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by **Section 3.02 – Nonconformities of this ordinance.**

Section 3. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.


Section 4. Conflicts.

If any provision of the Marion Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 5. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Marion

By: 

Timothy Matchett, its Clerk

Adoption Date: March 16, 2020

Effective Date: April 7, 2020

Marion Township Ordinance 3 of 2020

An Ordinance to amend Article III, Section 3.24: Medical Marihuana of the Marion Township Zoning Ordinance to: remove the requirement that caregivers must operate as a home occupation; to restrict the proximity of caregiver operations to schools, daycare facilities, and other areas where children congregate; and to require that areas utilized to grow marihuana for medical use shall meet electrical code requirements.

Marion Township Hereby Ordains:

Section 1. Amendment of Article II, Section 2.02 Definitions

The following definitions in Article II, Section 2.02 Definitions of the Marion Township Zoning Ordinance are hereby amended to read as follows:

Section 2.02 – Definitions

Marihuana: That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, as amended.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Section 2. Amendment of Article III: General Provisions

Article III, Section 3.24 Medical Marihuana is hereby amended to read as follows:

1. **Intent and Purpose.** The purpose of this section is to implement land use regulations to address medical marihuana in Marion Township only to the extent specifically authorized by the enactment of the Michigan Medical Marihuana Act (hereinafter referred to as the “MMMA”), Initiated law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R333.101. et seq.

Further, it is the intent of this ordinance to:

- protect the health, safety, and welfare of persons and property in the community,
- to address and minimize reasonably anticipated secondary effects upon children, other members of the public, and upon significant areas of the community, that would be reasonably expected to occur in the absence of the provisions of this ordinance.

This ordinance is designed to recognize the fundamental intent of the MMMA to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marijuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the MMMA so as to address issues that would otherwise expose the community and its residents to significant adverse conditions, including the following: adverse and long-term influence on children; substantial serious criminal activity; and danger to members of the public.

2. **Regulations for a Qualifying Patient.** A qualifying patient shall be permitted the medical use of marihuana, as an accessory use to the principal residential use of the dwelling, without a land use permit, but shall be subject to the following regulations:

- A. The qualifying patient must be issued and maintain a currently valid Michigan medical marihuana registry identification card, as issued by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA, or must be issued and maintain a currently valid registry identification card, or its equivalent, that is issued under laws of another state, district, territory, commonwealth or insular possession of the United States that allows the medical use of marihuana for the qualifying patient to whom it is issued.
 - B. The qualifying patient shall comply at all times with the MMMA and the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as amended.
 - C. All marihuana plants or products must be contained in an enclosed, locked facility that permits access only by the qualifying patient.
 - D. If a room with windows within the dwelling is utilized to grow medical marihuana, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
3. Regulations for Primary Caregivers. A primary caregiver shall be permitted the medical use of marihuana as a primary caregiver as defined and in compliance with the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq (“the Act”) and the requirements of this section. No land use permit shall be required, but the primary caregiver shall be subject to the State regulations and the additional requirements of this Ordinance.

Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, selling, consuming, using, distributing or possessing of marihuana.

Since federal law is not affected by the Act or the General Rules, nothing in this section or in any companion regulatory section adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. Except as superseded by the State regulations and associated rules or by the additional requirements of this section, primary caregivers providing primary caregiver services in their home shall also be subject to the regulations for all home occupations (Section 3.12). The following additional requirements for a Primary Caregiver shall apply:

- A. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as they may be amended from time to time.
- B. All medical marihuana plants and product shall be kept in an enclosed, locked facility, (per MMMA) that permits access only by the primary caregiver.
- C. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or principal or accessory building. However, when primary caregiver services are provided as a home occupation, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same dwelling or accessory building. The dwelling unit shall be the principal dwelling of the primary caregiver. The medical use of marihuana shall comply at all times with the MMMA and General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency as they may be amended from time to time.

- D. The primary caregiver shall deliver all medical marihuana for the use of such qualifying patient and such delivery shall take place off-site, on private property, and away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all medical marihuana delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
- E. A dwelling or principal or accessory building at which a primary caregiver of medical marihuana is functioning shall have no sign related to the use as a primary caregiver, including but not limited to any symbol portraying or representing a marihuana plant or portion thereof, visible from outside the dwelling.
- F. No primary caregiver facility shall be located in violation of any of the following spacing requirements:
 - 1) One thousand (1,000) feet from any public or private school and its accessory structures;
 - 2) Five hundred (500) feet from any church or place of worship and its accessory structures;
 - 3) One thousand (1,000) feet from any preschool, child care or day care facility and its accessory structures;
 - 4) Five hundred (500) feet from any public facility, such as libraries, museums, parks, campgrounds, playgrounds, public beaches, boat launches, community centers, and other public places where children may congregate.

The above spacing requirement shall be from lot line to lot line.
- G. The portion of the principal or accessory building or dwelling in which a primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in Charlevoix County.

4. Violations and enforcement.

- A. Information concerning any alleged violation of the provisions of the MMMA and associated rules shall be directed to appropriate state and/or local law enforcement agencies for investigation and/or enforcement.
- B. Only infractions pertaining to the unique requirements of this Ordinance and not governed by the MMMA shall fall under the jurisdiction of Marion Township, (per Section 10.07 Marion Township Zoning Ordinance).
- C. Disclosure of identifying information required by a provision of this Zoning Ordinance that conflicts with the confidentiality rules as set forth in Section 6(h) [or any other provision] of the MMMA shall not apply.

Section 3. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

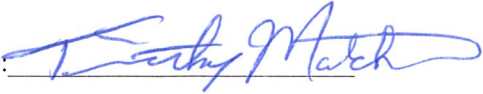
Section 4. Conflicts.

If any provision of the Marion Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 5. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Marion

By: 

Timothy Matchett, its Clerk

Adoption Date: March 16, 2020

Effective Date: April 7, 2020

**Marion Township
Ordinance 4 of 2020**

An Ordinance to amend Article II Rules of Construction and Definitions, Section 2.02 Definitions, Article III General Provisions, Section 3.18 Permitted Uses (Towers) and Article V District Regulations, Section 5.07.2 Permitted Uses and Section 5.07.3 Uses Subject to Special Approval of the Marion Township Zoning Ordinance to comply with Section 514 of Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.

Marion Township Hereby Ordains:

Section 1. Amendment of Article III General Provisions, Section 3.18 Permitted Uses (Towers)

Article III, Section 3.18 of the Marion Township Zoning Ordinance is hereby amended to read as follows:

Section 3.18 – Permitted Uses (Towers)

1. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Marion Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Marion Township.
2. Antenna co-located on telecommunication towers and alternative tower structures which have received a special approval use permit under Article VII of this Ordinance.
3. Antennae co-located on telecommunication towers and alternative tower structures that meet the following requirements shall be treated as a permitted use not subject to special use approval. However, the applicant shall provide necessary documents, drawings, and/or plans to enable the Zoning Administrator to determine that the criteria have been met.
 - i. The existing telecommunication tower or alternative tower structure is in compliance with this section and, if not, was previously approved and/or in compliance with the Zoning Ordinance.
 - ii. The proposal will not increase the height of the telecommunication tower or alternative tower structure by more than twenty (20) feet or ten (10) percent of its original height (as first erected without any later additions), whichever is greater.
 - iii. The proposal will not increase the width of the telecommunication tower or alternative tower structure by more than necessary to the stated and documented purpose of the increase.
 - iv. The proposal will not increase the area of the existing Wireless Communications Equipment Compound to more than 2,500 square feet.

Section 2. Amendment of Article V District Regulations, Section 5.07.2 Permitted Uses

Article V, Section 5.07.2 of the Marion Township Zoning Ordinance is hereby amended to add the following:

11. Co-location of antennae on existing towers & structures that meets the requirements of Article III, Section 3.18.

Section 3. Amendment of Article V District Regulations, Section 5.07.3 Uses Subject to Special Approval

Article V, Section 5.07.3 (24) of the Marion Township Zoning Ordinance is hereby amended to read as follows:

24. Co-location of antennae on existing towers & structures that does not meet the requirements of Article III, Section 3.18

Section 4. Amendment of Article II Rules of Construction and Definitions, Section 2.02 Definitions

Article II, Section 2.02 of the Marion Township Zoning Ordinance is hereby amended to add the following definition in its proper alphabetical location:

Wireless Communications Equipment Compound: An area surrounding or adjacent to the base of a telecommunication tower or alternative tower structure and within which one or more antennae or other equipment and network components used in the provision of wireless communications services are located.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

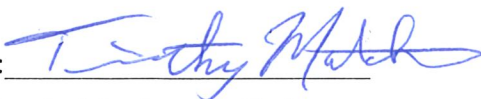
Section 6. Conflicts.

If any provision of the Marion Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 7. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Marion

By: 
Timothy Matchett, its Clerk

Adoption Date: March 16, 2020

Effective Date: April 7, 2020

MARION TOWNSHIP
Ordinance No. 7 of 2023

AN ORDINANCE TO AMEND THE MARION TOWNSHIP ZONING
ORDINANCE TO IMPLEMENT REGULATIONS REGARDING SOLAR ENERGY
SYSTEMS

THE TOWNSHIP OF MARION HEREBY ORDAINS:

Section 1. Amendment of Section 2.02.

Section 2.02 of the Marion Township Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which definitions shall read in their entirety as follows:

Photovoltaic (PV) Systems: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Solar Energy Systems (SES): Any equipment and accessory buildings and structures necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

Commercial SES: Any solar energy system that is accessory to a principal use located on the same lot, and is designed and built primarily to provide electrical energy for off-site use by any person or entity or for the wholesale or retail sale of that electrical energy to the electric utility's power grid.

Commercial Ground-Mounted SES: Any commercial SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Commercial Roof-Mounted SES: Any commercial SES in which solar panels are mounted on the roof of the structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Commercial Wall-Mounted SES: Any commercial SES in which solar panels are mounted on the wall of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Private SES: Any solar energy system that is accessory to a principal use located on the same lot, and is designed and built primarily to produce electrical energy for on-site use. These systems shall not be utilized for any commercial

sale of energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Ground-Mounted SES: Any private SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Private Roof-Mounted SES: Any private SES in which solar panels are mounted on the roof of the structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Private Wall-Mounted SES: Any private SES in which solar panels are mounted on the wall of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in vision performance and visibility.

Solar-Thermal Systems: A solar energy system which directly heats water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Section 2. Amendment of Section 2.02.

The definition of Essential Services within Section 2.02 of the Marion Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generators, commercial roof-mounted SES, and commercial wall-mounted SES are not included within this definition.

Section 3. Amendment of Section 3.08.

The second paragraph within Section 3.08 of the Marion Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, anemometer towers, commercial roof-mounted SES, and commercial wallmounted SES shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 4. Amendment of Article 3.

Article 3 of the Marion Township Zoning Ordinance is hereby amended to add a new Section 3.26; which shall read in its entirety as follows:

SECTION 3.26 SOLAR ENERGY SYSTEMS

1. Intent and Purpose. The intent and purpose of this section is to establish regulations for the placement, development, installation, and construction of private and commercial solar energy systems and for solar-thermal systems. The township recognizes that it is in the public interest to promote solar energy systems as a clean alternative energy source within the township. The township also recognizes the need to protect the scenic beauty of Marion Township from unnecessary and unreasonable visual interference that solar energy systems may have upon adjoining and neighboring uses. As such, this ordinance seeks to:
 - A. Protect residential areas and uses from potential adverse impacts of solar energy systems; and
 - B. Consider the public health and safety of solar energy systems.
2. Solar Thermal Systems. Solar thermal systems shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 6.02 of this Ordinance, and shall comply with all of the applicable regulations for a private SES, depending on whether the solar thermal system is ground-mounted, roof-mounted, or wallmounted.
3. Private SES. A private SES shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 6.02 of this Ordinance, and shall comply with all of the following applicable regulations.
 - A. A private ground-mounted SES shall comply with all of the following regulations:

- 1). A private ground-mounted SES and all required landscaping shall comply with all applicable setback requirements for the zoning district in which it is located.
- 2). The height of a private ground-mounted SES shall not exceed fifteen (15) feet above the ground when the solar panels are oriented toward the sun at maximum tilt.
- 3). A private ground-mounted SES shall occupy no more than 50% of the total front, rear, or side yard area in which it is located.
- 4). A private ground-mounted SES shall be landscaped with a buffer of Spruce trees and/or earthen berms that effectively screens the view of the photovoltaic solar panels and their supporting structures, buildings, and equipment from adjacent property used for residential purposes and from public and private roads. Except as provided herein, the Spruce trees planted shall be a minimum of eight (8) feet tall at time of planting. The tree height may be reduced by one foot for each one foot in the height of the berm on which it is planted, e.g., the total of the berm and tree height must be a minimum of eight (8) feet in height. All Spruce trees planted shall remain in a living and healthy condition for the life of the private ground-mounted SES. Existing natural land forms on the site which effectively screen the private ground-mounted SES shall be preserved to the maximum extent possible. The Planning Commission may reduce or waive any landscaping requirement if it finds that because of the remote location of the site, or other factors, the visual impact of the private ground-mounted SES would be minimal.
- 5). All power transmission or other lines, wires or conduits from a private ground-mounted SES to any building or other structure shall be located underground. If batteries are used as part of the private ground-mounted SES, those batteries shall be placed in a secure container or enclosure.
- 6). The private ground-mounted SES shall be sited so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.

B. A private roof-mounted SES shall comply with both of the following regulations:

- 1). The private roof-mounted SES shall not extend beyond any peak of the roof and shall not extend beyond the eaves of the roof.
 - 2). The private roof-mounted SES shall be located so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.
 - C. A private wall-mounted SES shall comply with both of the following regulations:
 - 1). The private wall-mounted SES shall not extend beyond or above the wall on which it is mounted.
 - 2). The private wall-mounted SES shall be located so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.
4. Commercial SES. A commercial SES shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 6.02 of this Ordinance, and shall comply with all of the following applicable regulations.
 - A. Commercial ground-mounted SES are prohibited in all zoning districts.
 - B. A commercial roof-mounted SES shall comply with both of the following regulations:
 - 1). The commercial roof-mounted SES shall not extend beyond any peak of the roof and shall not extend beyond the eaves of the roof.
 - 2). The commercial roof-mounted SES shall be located so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.
 - C. A commercial wall-mounted SES shall comply with both of the following regulations:
 - 1). The commercial wall-mounted SES shall not extend beyond or above the wall on which it is mounted.

- 2). The commercial wall-mounted SES shall be located so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 6. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 7 was adopted on the 18th day of December, 2023, by the Marion Township Board as follows:

Motion by: Timothy Matchett

Seconded by: Julie Whitley

Yeas: John Martin, Micheal Jarema, Joesph Seidel, Timothy Matchett and Julie Whitley

Nays: None

Absent: None



Timothy Matchett, Clerk

I certify that this is a true copy of Ordinance No. 7 that was adopted at a regular meeting of the Marion Township Board on December 18, 2023 and published in the Charlevoix County News on December 28, 2023.

Dated: December 28, 2023



Timothy Matchett, Clerk