

ZONING ORDINANCE AMENDMENT REPORT

TO:	Planning Commission	DATE:	January 31, 2022
FROM:	Rodney C. Nanney, AICP Community and Economic Development Director		
PROJECT:	PTXT 21-02 - Proposed Zoning Ordinance text amendments (Coyne)		
APPLICANT:	David Coyne, 1368 N. Harris St., Mt. Pleasant, MI 48858		
ACTIONS REQUESTED:	To hold a public hearing on and to review the proposed PTXT 21-01 Zoning Ordinance text amendment to increase the maximum allowable height and to adjust the minimum setback standards for ground-mounted solar energy facilities, and to make a recommendation to the Board of Trustees.		

Background Information

The current Zoning Ordinance No. 20-06 went into effect on September 21, 2020. A set of “punch list” amendments to the Ordinance were adopted by the Board of Trustees on November 10, 2021 following a Planning Commission public hearing and recommendation. Late in the adoption process for the “punch list” amendments, Mr. Coyne made a presentation to the Planning Commission during the 10/19/2021 regular meeting regarding his interest in potentially amending Section 6.39 (Solar Energy Systems) to raise the maximum height limit for ground-mounted solar energy facilities.

In his letter accompanying the application, Mr. Coyne notes that, *“In working with Quality Solar, we feel a 25% increase (in height) would satisfy any needs for Solar in Union Township for the future.”* In his earlier presentation, it was noted that the increased height would be necessary for him to be able to install the specific *“Sun Action 42-Panel Dual Axis Tracker”* rotating solar array that he has used on sites in other communities, including his Coyne Oil facility in the City of Mt. Pleasant.

For reference, a copy of the 10/19/2021 presentation materials can be found on the Township website under *Minutes and Board Packets*, or at the following link:

<http://www.uniontownshipmi.com/Portals/0/PropertyAgent/459/Files/648/10-19-21%20PC%20packet%20zip.pdf>

Review Comments

On December 23, 2021, Mr. Coyne submitted the PTXT21-02 Text Amendment application to request this change. The following staff comments and recommendations are offered for the Planning Commission’s consideration of this application:

Purpose and intent of the Solar Energy System Regulations

The purpose of Section 6.39 is to allow for establishment of Solar Energy Facilities (SEFs) in the Township in a manner that:

1. *“protects public health, safety and welfare”* (and)
2. *“avoids significant impacts to protected resources”* (such as important agricultural lands, endangered species, and high value biological habitats).

It is further the intent of this Section to *“reduce reliance on petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, (and) promote economic development diversification”* (see Section 6.39.A.).

Any amendment to this Section should be consistent with this purpose and intent, as determined by the Planning Commission.

Amendment as Requested by Mr. Coyne

Part Two of the proposed amendatory ordinance includes the specific change requested by Mr. Coyne in his application. As proposed, the change would expand options for ground-mounted solar array installations in the Township. It would also specifically eliminate a roadblock in the current Ordinance that prevents Mr. Coyne from making use of his preferred ground-mounted solar array as part of a potential future project on a Township site.

Additional Amendment to Minimum Setbacks

Under the current Section 6.39 standards, a maximum 20.0-foot high ground-mounted solar array structure could be set as close as 6 - 10 feet to a lot line in certain zoning districts. The request for a 25% increase in allowable height has brought to light a need re-evaluate minimum setback standards for these installations. Part Three of the proposed amendatory ordinance includes an additional setback-related revision designed to minimize potential adverse visual and other impacts to neighboring properties from the taller solar energy facilities.

Board of Trustees Goals Addressed

The Board of Trustees has adopted a set of desired outcomes as part of their Policy Governance Manual (referred to as Policy 1.0: Global Ends). The proposed text amendment to expand options for ground-mounted solar energy systems would potentially support the Board of Trustees’ desired outcome to *“increase use of alternative forms of energy within Township facilities and operations”* (Policy 1.5.4).

Project Timetable

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees, along with review and comment from the Isabella County Planning Commission.

Key Findings

1. Any amendments to Section 6.39 should be consistent with the purpose and intent statement of this Section, as determined by the Planning Commission.
2. With the proposed increase in allowable height comes an increase in potential adverse impacts to neighboring properties that justifies re-evaluation of minimum setback standards.
3. The proposed revisions to the maximum allowable height and minimum required setback would potentially expand options for installation of ground-mounted solar energy systems in the Township while minimizing adverse impacts on neighboring land uses.
4. All required notices for the public hearing have been posted and published in compliance with state Zoning Enabling Act requirements.

Recommendation

I recommend that the Planning Commission take action to hold a public hearing on and to review the proposed PTXT 21-01 Zoning Ordinance text amendment, and to make a recommendation to the Board of Trustees.

Based on the above findings, I would have no objection to a Planning Commission action to recommend to the Board of Trustees approval of the proposed PTXT 21-01 Zoning Ordinance text amendment to increase the maximum allowable height and to adjust the minimum setback standards for ground-mounted solar energy facilities.

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 6.39 (Solar Energy Systems) of the Charter Township of Union Zoning Ordinance No. 20-06 to increase the allowable height of ground-mounted solar energy facilities from 20.0 feet to 25.0 feet, to update the minimum required setbacks for all types of solar energy facilities, and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

Proposed additions to the current text of the Zoning Ordinance are highlighted below in blue underlined text and proposed deletions are shown using ~~red strikethrough text~~.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

PART ONE – Title

This Ordinance shall be known and may be referred to as the “Charter Township of Union Ordinance Number _____, Ordinance Amending the Charter Township of Union Zoning Ordinance.”

PART TWO – Amendment to Section 6.39.D. (Height) Requested by David Coyne

Section 6.39 (Solar Energy Systems) is hereby amended to delete and replace subsection 6.39.D. (Height) in its entirety to increase the allowable height of ground-mounted solar energy facilities from 20.0 feet to 25.0 feet, as follows:

D. **Height.**

For ground mounted systems, height restrictions shall be measured from finished grade below each module in the event the site has topographic changes.

Table 2. Maximum Height Limits

Type	Maximum Height
Ground Mounted	20' <u>25.0 feet</u>
Roof Mounted	<u>Five (5) feet</u> above roof surface not to exceed the roof ridge

PART THREE – Additional Amendment to Section 6.39.C. (Parcel Line Setbacks) Requested by Staff

Section 6.39 (Solar Energy Systems) is hereby amended to delete subsection 6.39.C. (Parcel Line Setbacks) in its entirety and to insert a new subsection 6.39.C. entitled “Setbacks” to update the minimum required setbacks for all types of solar energy facilities, as follows:

C. ~~Parcel Line Setbacks.~~

The ~~minimum setbacks from the Parcel line to the closest part~~ All elements of the SEF ~~structure, such as including but not limited to~~ panels, racking, or inverters, shall ~~be as shown~~ conform to the minimum required

[setback distances specified](#) in Table 1. Fencing, roads, landscaping, and utility interconnection infrastructure may occur within the required setback [provided that all other applicable requirements of this Ordinance are satisfied.](#)

Table 1. Minimum Setbacks

	Direct Use Facility	Primary Use Facility
Minimum Setback from All Property Lines	Shall conform to the setbacks per zoning for that district.	75 feet

Minimum Required Setback	Direct Use Facility		Primary Use Facility	
	Ground-Mounted	Roof-Mounted	Ground-Mounted, Encumbering:	
			Less than two (2) acres	Two (2) acres or more
From all side and rear lot boundaries	200% of SEF height	Minimum required for principal building	75.0 feet	200.0 feet
From all front lot boundaries and road rights-of-way	75.0 feet	Minimum required for principal building	75.0 feet	200.0 feet
From other easements	SEF shall not be located in any utility right-of-way or other easement.			

PART FOUR – Repeal

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

PART FIVE – Severability

If any section, subsection, clause, phrase or portion of this amendatory ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

PART SIX – Publication

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

PART SEVEN – Effective Date

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on _____, 2022, after initiation and a public hearing by the Planning Commission on _____, 2022 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Township Board on _____, 2022 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on _____, 2022, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

CHARTER TOWNSHIP OF UNION
Planning Commission
Regular Meeting Minutes

A regular meeting of the Charter Township of Union Planning Commission was held on February 15, 2022, at 7:00 p.m. at the Lincoln Reception Center, 2300 S. Lincoln Road.

Meeting was called to order at 7:03 p.m.

Roll Call

Present: Albrecht, Buckley, Darin, LaBelle, Lapp, Shingles, Squatrito, and Thering

Others Present

Rodney Nanney, Community and Economic Development Director; Peter Gallinat, Zoning Administrator; Tera Green, Administrative Assistant

Approval of Agenda

LaBelle moved **Darin** supported to approve the agenda as presented. **Vote: Ayes: 8. Nays: 0. Motion Carried**

Approval of Minutes

LaBelle moved **Shingles** supported to approve the regular meeting minutes from January 18, 2022 as presented. **Vote: Ayes: 8. Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- A. Board of Trustees updates by Thering – Gave updates on the Board of Trustee discussion regarding the Sidewalk and Pathways. Rodney Nanney will be giving a Sidewalk and Pathways presentation to the Board of Trustees in April.
- B. ZBA updates by Buckley – Gave updates on the January 5, 2022 ZBA meeting to approve the PVAR21-02 application for an (8) foot setback variance.
- C. Sidewalks and Pathway Prioritization updates by Darin – No updates given.
- D. Chair Squatrito reminded the Commissioners to respond to Peter Gallinat’s email if interested in any of the upcoming trainings in March; Asked recording secretary to remove Alex Fuller from the Board Matrix and Website.

Public Comment

Open 7:11 p.m.
No comments offered
Closed 7:12 p.m.

Other Business

- A. **PTXT21-02 Coyne Solar Energy Amendment**
 - a. Updates from staff and the applicant
 - b. Public Hearing

- c. Discussion
- d. Action (Recommend to the Board of Trustees adoption, denial, adoption with revisions, or postpone)

Nanney introduced the Zoning Ordinance Text Amendment Application that was submitted requesting to make two changes to section 6.39 that defines the regulations of the solar energy systems. The request is to increase the maximum height allowed. In addition, the staff recommended minimum required setbacks be included to reflect that increase in height.

Public Hearing

Open: 7:15 p.m.

No comments were offered

Closed: 7:15 p.m.

LaBelle moved **Buckley** supported to recommend to the Township Board of Trustees that the PTXT 21-02 text amendments to Section 6.39 (Solar Energy Systems) of Zoning Ordinance No. 20-06 to increase the maximum allowable height and to adjust the minimum setback standards for ground-mounted solar energy facilities be adopted as submitted for the public hearing. **Vote: Ayes: 8. Nays: 0. Motion carried.**

B. Parks and Recreation Master Plan Update

- a. Updates by staff
- b. Discussion
- c. Action

Nanney updated the Commissioners on the revised Parks and Recreational Survey. Discussion by the Commissioners. Requests were made for additional changes to be made particularly to the verbiage of question 13 and 14.

Extended Public Comments

Open – 8:30 p.m.

No comments were offered.

Closed – 8:30 p.m.

Final Board Comment

Commissioner Darin – Acknowledged that it may be his last Planning Commission meeting and expressed how great it's been working with the Commissioners.

Chair Squattrito – Thanked Commissioner Darin for his years of service.

Commissioner LaBelle – Informed the Commissioners that his appointment to the Planning Commission is due to expire, if not re-elected he would like to thank everyone.

Commissioner Buckley – Hopes to see everyone again.

Adjournment – Chairman Squattrito adjourned the meeting at 8:34 p.m.

APPROVED BY:

(Recorded by Tera Green)

Doug LaBelle – Secretary

Stan Shingles – Vice Secretary

DRAFT