

TOWNSHIP OF COLUMBIA

ZONING ORDINANCE AMENDMENTS

Ordinance No. 100.01

An Ordinance to amend the Columbia Township Zoning Ordinance, adopted on July 15, 2013, to bring the Zoning Ordinance into compliance with recent amendments to the Michigan Zoning Enabling Act, Public Act 110 of 2006.

THE TOWNSHIP OF COLUMBIA ORDAINS:

The following specified subsections of the Columbia Township Zoning Ordinance are hereby amended to provide as follows:

Section 5.01. PRINCIPAL USES PERMITTED.

Section 5.01.H., regarding medical marijuana facilities and caregivers, of the Columbia Township Zoning Ordinance is hereby repealed in its entirety and the following subsections are being added:

- H. A private residence with the capacity to receive at least 1 but not more than 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.
- I. Biofuel production facility with an annual capacity of not more than 100,000 gallons of biofuel, if all of the following requirements are met:
 - 1. The biofuel production facility is located on a farm,
 - 2. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance, and
 - 3. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
- L. Wireless communications equipment (*subject to Section 12.16(A)*).

- K. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 5.02. SPECIAL LAND USES.

- F. State licensed group child day-care homes (*subject to Section 12.19*).
- P. Either, a biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2), but not (3) **or** a biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements Section 6.01(K)(1) and (2) (*Subject to Section 12.20*).
- Q. Wireless communications equipment that meets the requirements of Section 12.16(A)(1) and (2) but does not meet the requirements of (3) or (4) (*subject to Section 12.16(B)*).

Section 6.01. PRINCIPAL USES PERMITTED.

- G. A private residence with the capacity to receive at least 1 but not more than 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.
- H. Wireless communications equipment (*subject to Section 12.16(A)*).
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

- G. State licensed group child day-care homes (*subject to Section 12.19*).
- H. Wireless communications equipment that meets the requirements of Section 12.16(A)(1) and (2) but does not meet the requirements of (3) or (4) (*subject to Section 12.16(B)*).

Section 7.01. PRINCIPAL USES PERMITTED.

- G. A private residence with the capacity to receive at least 1 but not more than 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.

- H. Wireless communications equipment (*subject to Section 12.19(A)*).
- I. Home occupations within dwellings (subject to Section 5.01.G).
- J. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 7.02. SPECIAL LAND USES.

- A. State licenses group child day-care homes (*subject to Section 12.19*).
- B. Wireless communications equipment that meets the requirements of Section 12.16(A)(1) and (2) but does not meet the requirements of (3) or (4) (*subject to Section 12.16(B)*).

Section 8.01. PRINCIPAL USES PERMITTED.

- M. Wireless communications equipment (*subject to Section 12.16(A)*).
- L. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 8.02. SPECIAL LAND USES.

- J. Wireless communications equipment that meets the requirements of Section 12.16(A)(1) and (2) but does not meet the requirements of (3) or (4) (*subject to Section 12.16(B)*).

Section 9.01. PRINCIPAL USES PERMITTED.

- I. Wireless communications equipment (*subject to Section 12.16(A)*).
- J. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- I. Wireless communications equipment that meets the requirements of Section 12.16(A)(1) and (2) but does not meet the requirements of (3) or (4) (*subject to Section 12.16(B)*).

Section 10.02 is hereby amended to add note "(8)" to the "Maximum Building Height (in feet)".

(8) Not applicable to amateur radio service communications antenna structures.

The following specified Section of the Columbia Township Zoning Ordinance are hereby amended to provide as follows:

Section 12.11. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body or other motor vehicle body, or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 12.05 or 12.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker. Furthermore, this section shall not apply to bonafide, operating farms (farms either having a valid Farm Service Agency Number or meet the definition of a farm under the Right to Farm Act), which may utilize any combination of **two (2)** semi-trailers, shipping containers, or railroad cars for farm storage. Lastly, this section shall not apply to approved commercial or industrial enterprises located on C-Commercial or I-Industrial zoned property, which may utilize **one (1)** semi-trailer, shipping container, or railroad car for storage.

The following specified subsection of the Columbia Township Zoning Ordinance is hereby amended to provide as follows:

Section 12.12(D)(4)(28). In order to insure continued compliance with the Zoning Ordinance after installation, the Utility-Wind Energy System Owner(s) or Operator(s) shall provide the Zoning Administrator with access to each site for a biannual compliance inspection and for any additional follow-up inspections as warranted. The reasonable cost of the inspections shall be paid by the owner/operator of the Utility-Grid Wind Energy System.

Section 12.16. MEDICAL MARIJUANA FACILITIES AND CAREGIVERS, of the Columbia Township Zoning Ordinance, is hereby repealed in its entirety and the following is added in its place:

Section 12.16. WIRELESS COMMUNICATIONS EQUIPMENT.

- A. Wireless communications equipment is a permitted use in all zoning districts, if all of the following requirements are met:
 - 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound;

2. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government;
 3. The proposed collocation will not do any of the following:
 - a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater,
 - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation, or
 - c) Increase the area of the existing equipment compound to greater than 2,500 square feet; and
 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- B. Wireless communications equipment that meets the requirements of Section 12.19(A)(1) and (2) but does not meet the requirements of (3) or (4) is a use permitted after special approval in all zoning districts, if all of the following requirements are met:
1. An application for special land use approval of wireless communications equipment described in subsection (2), below, shall include all of the following:
 - a) A site plan shall include a map of the property and existing and proposed buildings and other facilities, and
 - b) Any additional relevant information that is specifically required by the Zoning Ordinance provision described in Article XV or Article XVI.
 2. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (3), below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Township receives the application, whichever is first.

3. If, before the expiration of the 14-day period under subsection (2), above, the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (2) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
4. The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.
5. Special land use approval of wireless communications equipment may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

The following specified Sections of the Columbia Township Zoning Ordinance are hereby amended to provide as follows:

Section 12.19. STATE LICENSED GROUP CHILD DAY-CARE HOMES.

A state licensed group child day-care home is a use permitted after special approval in the AR Agricultural Residential, RM Medium Density Residential, and MHP Multiple Family Residential districts, if all of the following requirements are met:

- A. Is located no closer than 1,500 feet to any of the following:
 1. Another state licensed group child day-care home,
 2. An adult foster care small group home or large group home licensed under the adult foster care facilities licensing act, 1979 PA 218, MCL 400.701 to 400.737,

3. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the Public Health Code, 1978 PA 368, MCL 333.6230 to 333.6251, or
 4. A community corrections center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Community Corrections;
- B. Has appropriate fencing for the safety of the children in the state licensed group child day-care home as determined by the Planning Commission;
 - C. Maintains the property consistent with the visible characteristics of the neighborhood;
 - D. Does not exceed 16 hours of operation during a 24-hour period. At the Planning Commission's discretion, it may limit (but not prohibit) the operation of a state licensed group child day-care home between the hours of 10:00 pm and 6:00 am;
 - E. Meets regulations governing signs used by a state licensed group child day-care home to identify itself; and
 - F. Meets regulations requiring a state licensed group child day-care home operator to provide off-street parking accommodations for his or her employees.

Section 12.20. BIOFUEL.

- A. The special land use application shall contain the following:
 1. A site plan, including a map of the property and existing and proposed buildings and other facilities;
 2. A description of the process to be used to produce biofuel;
 3. The number of gallons anticipated to be produced annually;
 4. An emergency access and fire protection that has been reviewed and approved by the appropriate responding police and fire departments;
 5. For ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the

national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387; and

6. Any additional information requested by the Planning Commission that is relevant to compliance with the Zoning Ordinance.
- B. The Planning Commission shall hold a hearing on an application for special land use approval not more than sixty (60) days after the application is filed.
- C. Special land use approval of shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operations and no additional requirements:
1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws;
 2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a) Air pollution emissions,
 - b) Transportation of biofuel or additional products resulting from biofuel production,
 - c) Use or reuse of additional products resulting from biofuel production, and
 - d) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production; and
 3. The biofuel production facility includes sufficient storage for both of the following:
 - a) Raw materials and fuel, and
 - b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

The following specified subsection of the Columbia Township Zoning Ordinance is hereby amended to provide as follows:

Section 12.12(D)(4)(1)(27). Complaint Resolution.

- a. The Utility Grid Wind Energy System Owner/Applicant shall submit a detailed, written complaint resolution process developed by the Utility Grid Wind Energy System Owner/Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Utility Grid Wind Energy System. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
- b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Utility Grid Wind Energy System Owner/Applicant.
- c. The Complaint Resolution Committee shall consist of the Zoning Administrator, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.
- d. The Utility Grid Wind Energy System Owner/Applicant shall provide not less than forty-eight (48) hour notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend any and all complaint resolution discussions and meetings.
- e. The Township Board shall be kept appraised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be presented monthly by the applicant to the Complaint Resolution Committee.

Section 21.01 DEFINITIONS of the Columbia Township Zoning Ordinance is hereby amended to remove the definitions of "Medical Marijuana", "Medical Marijuana Caregiver", and "Medical Marijuana Facility", and this Section is being further amended to add the following definitions:

Section 21.01. DEFINITIONS.

Agricultural Land. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Biofuel. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

Ethanol. A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

Family Child Day-Care Home. A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual.

Farm. As defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Group Child Day-Care Home. A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Person. An individual, partnership, corporation, association, governmental entity, or other legal entity.

Proof gallon. As defined in 27 CFR 19.907, A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Site Plan. The documents and drawings required by this Zoning Ordinance to ensure that a proposed land use or activity is in compliance with all local ordinances and state and federal statutes.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility

Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

Undeveloped State. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

The undersigned Supervisor and Clerk of the Township of Columbia hereby certify that this Ordinance Amendment was duly adopted by the Columbia Township Board at a meeting held on the _____ day of _____, 2019, and was published in the _____ on the _____ day of _____, 2019. This Ordinance Amendment shall be effective seven (7) days after said date of publication.

Kathy Trischler, Supervisor

Christine Kolar, Clerk