

ORDINANCE NO. 2023-01

MARENGO TOWNSHIP

AMENDMENT TO MARENGO TOWNSHIP ZONING ORDINANCE

At a regular meeting of the Township Board of Marengo Township, Calhoun County, Michigan, held at the Marengo Township Hall on April 25, 2023, at 7 p.m., Township Board Member Todd Hazel moved to adopt the following Ordinance, which motion was seconded by Township Board Member Duane Hoffman :

An Ordinance to amend the Marengo Township Zoning Ordinance – Section 2.02 Definitions; Section 20.09 Duration of Permit; and Section 20.11 Special Land Uses to permit Electric Infrastructure uses, namely high and medium voltage collection and transmission systems in the AG and LI Districts.

THE TOWNSHIP OF MARENGO, CALHOUN COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ARTICLE 2, SECTION 2.02 DEFINITIONS: Marengo Township Zoning Ordinance Article 2, Section 2.02 is hereby amended to add the following definition:

ELECTRIC INFRASTRUCTURE: Electric transmission systems, which is not an essential service, including high and medium voltage collection systems and structures to interconnect to the bulk electric system, such as but not limited to, underground, surface, or overhead electric transmission lines, and other similar equipment along with accessories in connection therewith, reasonably necessary for the furnishing of adequate electric service including electric substations.

SECTION 2. AMENDMENT TO ARTICLE 7, SECTION 7.04 SPECIAL LAND USES: Marengo Township Zoning Ordinance Article 7, Section 7.04 Special Land Uses in the AG District is hereby amended to add the following:

13. Electric Infrastructure

SECTION 3. AMENDMENT TO ARTICLE 14, SECTION 14.04 SPECIAL LAND USES: Marengo Township Zoning Ordinance Article 14, Section 14.04 Special Land Uses in the LI District is hereby amended to add the following:

10. Electric Infrastructure

SECTION 4. AMENDMENT TO ARTICLE 20, SECTION 20.09 DURATION OF PERMIT: Marengo Township Zoning Ordinance Article 20, Section 20.09 Duration of Permit is hereby amended and replaced as follows:

If construction is not commenced within 24 months and completed with due diligence, the Special Land Use Permit shall expire. However, if construction is not completed but has commenced within 24 months and is proceeding with due diligence, the permit may be extended on good cause shown from the property owner or permit holder for an additional 24 months by action of the Planning Commission. After issuance of the Special Land Use Permit, the Special Land Use Permit applicant or holder shall submit quarterly written progress reports on the status of the project as requested by the Zoning Administrator, until a final occupancy permit is issued.

SECTION 4. AMENDMENT TO ARTICLE 20, SECTION 20.11 SPECIFIC CONDITIONS AND REQUIREMENTS – SPECIAL LAND USES: Marengo Township Zoning Ordinance Article 20, Section 20.11 Specific Conditions and Requirements – Special Land Uses is hereby amended to add a new subsection 37, as follows:

37. Electric Infrastructure.

1. Substations and switchyards shall be enclosed with a fence having a minimum of six (6) feet high and adequate to obstruct passage of persons or materials.
2. Electrical Infrastructure is exempt from the site development regulations of the underlying District. The Planning Commission may recommend and the Township Board may impose reasonable conditions as needed to protect the public health, safety, and welfare.
3. Construction and landscaping shall conform to the general character and architecture of the surrounding area to the extent possible.
4. Applicant shall comply with federal and state regulations to protect Electrical Infrastructure from damage due to physical intrusion or tampering, cyberattacks, and natural disasters.

SECTION 5. SEVERABILITY: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated.

YEAS: D.Fountain,yes,D.VanSickle,yes,C.Tabiaddon,yes,D.Hoffman,yes,&T.Hazel,yes.

NAYS: 0

ABSENT: 0

ORDINANCE DECLARED ADOPTED.

David P. Fountain 4-28-23
David Fountain, Marengo Township Supervisor

CERTIFICATION

I, Doreen VanSickle , do hereby certify that I am the duly elected and acting Township Clerk of the Township of Marengo, and I do hereby certify that this Ordinance Amendment was adopted by the Township Board of the Township of Marengo, Calhoun County, Michigan, at a regular meeting of the Township Board held at the Marengo Township Hall, Calhoun County, Michigan, on the 25 day of April, 2023.

By: Doreen VanSickle
Doreen VanSickle,
Marengo Township Clerk