

**AGENDA  
CITY OF SWARTZ CREEK  
PLANNING COMMISSION  
PAUL D. BUECHE MUNICIPAL BUILDING  
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC  
TUESDAY, DECEMBER 3, 2024, 7:00 P.M.  
CALL TO ORDER:**

**1. PLEDGE OF ALLEGIANCE:**

**2. ROLL CALL:** Binder, Branoff, Campbell, Grimes, Henry, Krueger, Melen, Sturgess,  
Wyatt

**3. APPROVAL OF AGENDA:**

**4. APPROVAL OF MINUTES:**

**5. CORRESPONDENCE:**

- A. Resolutions
- B. Minutes: November 6, 2024
- C. Meeting Letter
- D. Special Land Use Application and Staff Letter
- E. Special Land Use Site Plan (Attached)

**6. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):**

**7. BUSINESS:**

- A. Special Land Use Application: 6273 Miller Road Child Care (Public Hearing)

**8. MEETING OPENED TO THE PUBLIC:**

**9. REMARKS BY PLANNING COMMISSION MEMBERS:**

**10. ADJOURNMENT:**

**RESOLUTIONS  
CITY OF SWARTZ CREEK  
PLANNING COMMISSION  
PAUL D. BUECHE MUNICIPAL BUILDING  
TUESDAY, DECEMBER 3, 2024, 7:00 P.M.**

**Resolution No. 241203-01**                      **AGENDA OF DECEMBER 3, 2024**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission approves the agenda for the December 3, 2024 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241203-02**                      **MINUTES OF NOVEMBER 6, 2024**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission approves the Minutes for the November 6, 2024 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241203-03**                      **RESOLUTION TO APPROVE A SITE PLAN AND  
SPECIAL LAND USE FOR 6273 MILLER ROAD CHILD  
DAYCARE CENTER (CORNERSTONE BAPTIST  
CHURCH)**

Motion by Planning Commission Member: \_\_\_\_\_

**WHEREAS**, the city received a proposal to convert existing building space of a worship center to Child Day Care on a piece of land zoned as Single Family Residential (R-1), that parcel being 6273 Miller Road, parcel ID 58-31-200-017, and;

**WHEREAS**, the project is a special land use within the R-1 zoning district and requires a site plan review, with an additional approval for the special land use, and;

**WHEREAS**, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 13 & 30, among other sections, finds the proposed site plan for a Child Daycare Center meets the intent of the zoning ordinance, and;

**WHEREAS**, a public comment session was offered, and input by city staff has been received, and;

**WHEREAS**, the planning commission finds that the site plan in conjunction with the special land use, would meet all other general and specific standards applicable if the following conditions are met:

1. \_\_\_\_\_

**NOW, BE IT RESOLVED** that the Swartz Creek Planning Commission hereby recommends approval of the site plan, dated October 11, 2024 to the city council, subject to the conditions in this resolution.

**BE IT FURTHER RESOLVED** that the Swartz Creek Planning Commission hereby recommends approval of the special land use for Child Daycare Center to the city council, subject to the conditions in this resolution.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 241203-04**

**ADJOURN**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission adjourns the December 3, 2024 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
VIRTUAL PLANNING COMMISSION BOARD MEETING  
ACCESS INSTRUCTIONS  
TUESDAY, DECEMBER 3, 7:00 P.M.**

The Planning Commission meeting of December 3, 2024 at 7:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft at 810.635.4464 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Planning Commission Meeting

Time: December 3, 2024 07:00 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83096401128>

**Meeting ID: 830 9640 1128**

**One tap mobile**

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

**Dial by your location**

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

**Meeting ID: 830 9640 1128**

**If you have any further questions or concern, please contact 810-429-2766 or email [rkraft@cityofswartzcreek.org](mailto:rkraft@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

**CITY OF SWARTZ CREEK  
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR Commission**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.



**CITY OF SWARTZ CREEK SWARTZ CREEK, MICHIGAN  
MINUTES OF PLANNING COMMISSION MEETING  
November 6, 2024**

Meeting called to order at 7:00 p.m. by Commissioner Wyatt

Pledge of Allegiance.

**ROLL CALL:**

Commissioners present: Binder, Branoff, Sturgess, Grimes, Krueger, Melen, Wyatt.

Commissioners absent: Campbell, Henry

Staff present: Adam Zettel, City Manager.

Others present: Hannah Smith-CIB Planning

Others Virtually Present: None

Motion by Planning Commission Member Krueger and second by Planning Commission Member Binder to excuse Planning Commission Member Henry because of a different city engagement.

Unanimous Voice Vote  
Motion Declared Carried

**APPROVAL OF AGENDA:**

**Resolution No. 241106-01 (Carried)**

Motion by Planning Commission Member Binder  
Second by Planning Commission Member Grimes

**I Move** the Swartz Creek Planning Commission approves the agenda for the November 6, 2024, Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

**MINUTES OF October 1, 2024**

**Resolution No. 241106-02 (Carried)**

Motion by Planning Commission Member Krueger  
Second by Planning Commission Member Binder

**I Move** the Swartz Creek Planning Commission approves the Minutes for the October 1, 2024, Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

**MEETING OPENED TO THE PUBLIC FOR NON PUBLIC HEARING:** None.

**BUSINESS:**

**PUBLIC HEARING FOR SOLAR ORDINANCE CHANGES**

**Open: 7:14pm**  
**No comments**  
**Closed: 7:15pm**

**RESOLUTION TO RECOMMEND AMENDMENT TO ZONING APPENDIX A SECTION 13:  
GENERAL PROVISIONS**

**Resolution No. 241106-04**

**(Carried)**

Motion by Planning Commission Member Binder

**WHEREAS**, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

**WHEREAS**, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at a meeting on November 6, 2024, and;

**WHEREAS**, the planning commission, at a public hearing at their meeting on November 6, 2024 and in reviewing the criteria in Zoning Ordinance Section 24.02, found the proposed zoning ordinance amendments to be in the best interest of the public.

**THEREFORE, I MOVE** the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 468**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Amend Section 13.14: Renewable Energy Standards

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby amends Section 13 to the Code of Ordinances of Appendix A by adding Section 13.14 as follows:

**Section 13.14. Renewable Energy Standards Definitions.**

*A. Definitions.* The following definitions apply to provisions of Section 13.14 through Section 13.18 only.

1. *Accessory Battery Energy Storage System:* A battery energy storage system intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

2. *Accessory Solar Energy System*: A small-scale solar energy system with the primary purpose of generating electricity for the principal use on the site.
3. *Accessory Ground-Mounted Solar Energy System*: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
4. *ANSI*: American National Standards Institute.
5. *A-Weighted Sound Level*: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as expressed as dB(A) or dBA.
6. *Building-Mounted Solar Energy System*: A solar energy system attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
7. *Building-Integrated Solar Energy System*: A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
8. *Construction*: Any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.
9. *Dark sky-friendly lighting technology*: A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
10. *dBA*: The sound pressure level in decibels using the “A” weighted scale defined by the American National Standards Institute (ANSI).
11. *Decibel*: A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.
12. *Dual Use*: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
  - a) *Pollinator Habitat*: A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and wildflowers, and meets a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
  - b) *Conservation Cover*: A site designed with practices to restore native plants, grasses, and prairie with the aim of protecting specific species or providing specific ecosystem services, such as carbon sequestration or soil health. The site must be designed in partnership with a conservation organization or approved by the Genesee County Conservation District.
  - c) *Forage/Grazing*: Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
  - d) *Agrivoltaics*: Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
13. *Energy Storage System (ESS)*: A system that absorbs, stores, and discharges electricity. Energy storage facility does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.
14. *Ground-Mounted Solar Energy System*: A solar energy system mounted on support posts, like a rack or pole, that is attached to or rests on the ground. The system is not attached to and is separate from any building on the property.
15. *Independent power producer (IPP)*: A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, the state, or local units of government.
16. *Leq*: The equivalent average sound level for the measurement period.
17. *Maximum Tilt*: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.

18. *Minimum Tilt*: The minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.
19. *Nameplate capacity*: The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
20. *NFPA*: National Fire Protection Association.
21. *Non-participating Property*: A property that is adjacent to an energy facility and that is not a participating property.
22. *Occupied community building*: A school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
23. *Participating Property*: Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
24. *Person*: An individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.
25. *Principal-Use (Large) Energy Facility*: A large, principal-use energy system. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.
26. *Principal-Use (Large) Energy Storage System*: An Energy Storage System (ESS) that is a principal use (or co-located with a second principal use), is designed and built to connect into the transmission grid and has a nameplate capacity of 50 MW or more and an energy discharge capacity of 200 MWh or more.
27. *Principal-Use (Large) Solar Energy System*: A Principal-Use SES with a nameplate capacity of 50 MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
28. *Principal-Use (Small) Solar Energy System*: A Principal-Use SES with a nameplate capacity of less than 50 MW for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
29. *Repowering*: The replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.
30. *Roof-Mounted Solar Energy System*: A solar energy system mounted on a racking that is attached to or ballasted on the roof of a building or structure.
31. *Sound Pressure*: The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).
32. *Sound Pressure Level*: Twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of micro pascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an unweighted measurement.
33. *Solar Energy System (SES)*: A system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property. A solar energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads;

distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

34. *Solar Thermal System*: A system of equipment that converts sunlight into heat.
- B. *Accessory solar energy systems*, as defined in Section 13.14 Renewable Energy Standards Definitions, include building-mounted, building-integrated, and ground-mounted systems with the primary purpose of generating electricity for the principal use on the site. Accessory solar energy systems are subject to the following standards:
1. *Permitted Use*. Accessory solar energy systems are permitted accessory uses in all zoning districts, subject to administrative review and approval.
  2. *Application Criteria*. An application seeking installation of an accessory solar energy system shall be made to the zoning administrator in line with Section 21.03 Sketch plan review process and shall also include the following information:
    - a) Sketch plan showing the proposed location of the accessory solar energy system, the primary structure, any accessory structures, and setbacks from lot lines.
    - b) For building-mounted or building-integrated systems, horizontal and vertical elevation drawings showing the location and height of the SES on the building and dimensions of the SES.
    - c) For ground-mounted systems, elevation drawings showing height, dimensions of the SES, and tilt features if applicable.
  3. *Exemptions from Permitting*. The following are exempt from review and permitting:
    - a) The installation of one (1) solar panel with a total area of less than eight (8) square feet.
    - b) The installation of device-specific solar panels, which exclusively power the device it is attached to and is less than one (1) square foot in area.
    - c) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the system.
  4. *Standards for Accessory Solar Energy Systems*. All accessory SES shall be subject to the following requirements, as well as applicable standards listed below for building-mounted or ground-mounted systems:
    - a) The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light.
    - b) Solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the zoning administrator prior to installation. The zoning administrator may inspect the completed installation to verify compliance with the manufacturer's directions.
    - c) Accessory SES shall conform with all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
  5. *Building-Mounted Solar Energy Systems*. Building-mounted solar energy systems, including roof-mounted systems and building integrated systems, are subject to the following requirements:
    - a) Solar energy systems that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
    - b) Solar energy systems that are roof-mounted, wall-mounted or otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment

shall be submitted to the zoning administrator prior to installation; such proof shall be subject to the zoning administrator's approval.

- c) Solar energy systems that are wall-mounted shall not exceed the height of the building wall to which they are attached.
  - d) Solar energy systems shall not be mounted on a building wall that is facing an adjacent public right-of-way.
  - e) A building-mounted SES installed on a non-conforming building, structure, or use shall not be considered an expansion of the nonconformity, but shall be required to meet all height and placement requirements.
6. *Ground-Mounted Solar Energy Systems.* Ground-mounted solar energy systems are subject to the following requirements:
- a) Accessory ground-mounted solar energy systems shall be located as follows:
    - 1) Shall be located in the rear yard or non-required side yard.
    - 2) Should extenuating circumstances exist that prevent the system from being located in the rear or non-required side yard, the Planning Commission may have the authority to approve a location in the front yard, but in no event shall the energy system be located within the front yard setback. The applicant shall demonstrate to the Commission that the rear or side yard is not feasible.
  - b) Accessory ground-mounted SES shall have a minimum height as detailed in the manufacturer's specifications, but shall in no case exceed fourteen (14) feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt.
  - c) Ground-mounted SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the application and be subject to the zoning administrator's approval.
  - d) The total area of accessory ground-mounted SES shall not exceed fifty percent (50%) of the square footage of the principal building.
  - e) An accessory ground-mounted SES installed on a non-conforming use or lot shall not be considered an expansion of the nonconformity, but shall be required to meet all placement and height requirements.
7. *Building-Integrated Solar Energy Systems.* Building-integrated SES are subject to zoning regulations applicable to the building or structure and not subject to accessory ground or building-mounted SES permits.
- C. *Accessory energy storage systems*, as defined in Section 13.14 Renewable Energy Standards Definitions, with the primary purpose of serving the electricity needs of the applicant property are a permitted accessory use in all zoning districts. Accessory energy storage systems shall follow the regulations associated with accessory uses.
- D. A *small principal-use SES*, as defined in Section 13.14 Renewable Energy Standards Definitions, is a special land use in the I-1, Light Industrial, and I-2, Heavy Industrial, zoning districts subject to site plan and special land use review requirements, and shall meet the following requirements:
- 1. *Height.* Total height for a small principal-use SES shall not exceed a maximum of sixteen (16) feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt. The Planning Commission may permit up to twenty (20) feet in height for small principal-use systems as part of the special land use approval, to allow for grazing or other operations.
  - 2. *Lot Coverage.* The total area of a small principal-use SES shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

3. *Installation and safety.* Small principal-use SES shall be properly installed to ensure safety, and meet the following requirements:
  - a) Solar energy systems shall be safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.
  - b) Solar energy systems shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The special land use, if granted, may be subject to the zoning administrator's inspection to determine compliance with the manufacturer's directions.
4. *Appearance.* The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light.
5. *Compliance with construction and electrical codes.* A small principal-use SES, and the installation and use thereof, shall comply with all applicable construction codes and electric codes, including state construction codes and the National Electric Safety Code.
6. *Fencing.* A small principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023. Barbed wire is prohibited. Fencing is not subject to setback requirements.
7. *Transmission and communication lines.* All power transmission and communication lines between banks of solar panels and to nearby electric substations or interconnections with any buildings or other structures shall be located underground. Exemptions may be granted in instances when soil conditions, shape, topography, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Planning Commission.
8. *Setbacks.* Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the small principal-use SES as follows:
  - a) 300 feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.
  - b) 50 feet from the nearest edge of a public road right-of-way.
  - c) 50 feet from the nearest shared property line of non-participating properties.
9. *Setback from wetlands.* A small principal-use SES shall be at least fifty (50) feet from the edge of any wetland, or any shoreline or drain easement.
10. *Sound.* The sound pressure level of a small principal-use SES and all ancillary solar equipment shall not exceed 55 dBA at the property line of adjacent non-participating properties or the exterior of any non-participating habitable structure, whichever is closer. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
11. *Lighting.* Lighting for a small principal-use SES shall be limited to inverter and/or substation locations only. A small principal-use SES shall implement dark sky friendly lighting solutions and any lighting shall be directed downward and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
12. *Groundcover.* A small principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. A ground cover vegetation establishment and management plan shall be submitted as part of the site plan. Ground cover shall meet one or more of the following types of Dual Use, as defined in this Ordinance, to promote ecological benefits:
  - a) Pollinator Habitat
  - b) Conservation Cover
  - c) Forage/Grazing
  - d) Agrivoltaics

13. *Drainage.* Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices must be managed within the property and on-site, in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction.
14. *Landscaping/Screening.* Landscaping shall be provided in accordance with the standards required in Article 20 Landscaping.
15. *Signage.* Signage shall be permitted in accordance with Article 14 Sign Regulations. Signage shall be required to identify the owner and provide a 24-hour emergency contact phone number.
16. *Agricultural Protection.* A small principal-use SES shall be sited to minimize impacts to agricultural production, including the following:
  - a) Systems shall be sited to minimize land disturbance or clearing except for minimally necessary. Topsoil shall be retained on-site.
  - b) Any access drives shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction.
17. *Battery Storage.* On-site battery storage accessory to a small principal-use solar energy system is prohibited.
18. *Decommissioning.* A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
  - a) At least 25% by the start of full commercial operation.
  - b) At least 50% by the start of the fifth year of commercial operation.
  - c) 100% by the start of the tenth year of commercial operation.
19. *Abandonment.* In the event that a small principal-use SES has not been in operation for a period of one year without a waiver from the Planning Commission, the system shall be considered abandoned and shall prompt an abandonment hearing conducted by the City Council. If deemed abandoned after a hearing, the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated, in compliance with the approved decommissioning plan. If the abandoned system is not removed or repaired, amongst other available remedies, the City may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the City in securing removal of the structure. The City may utilize the benefit of any performance guarantee being held to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the City to enter the parcel of land for this purpose.
20. *Annual Reports.* For a small principal-use SES, a written annual report shall be submitted to the Planning Commission by a date determined at the time of special land use approval. The annual report shall include an update on electricity generation by the



- project, as well as document all complaints received regarding the small principal-scale solar energy system along with the status of complaint resolutions and the actions taken to mitigate the complaints.
21. *Additional approvals and agency reviews.* The following approval and agency reviews shall be required, as applicable:
    - a) Local Fire Chief;
    - b) Department of Environment, Great Lakes, and Energy (EGLE);
    - c) Genesee County Drain Commissioner;
    - d) Genesee County Road Commission;
    - e) Genesee County Health Department;
    - f) Federal Aviation Administration (FAA);
    - g) Local Airport Zoning (if applicable);
    - h) Building Department;
    - i) Tax Assessor.
  22. *Operations Agreement.* The applicant shall provide the Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes.
  23. *Indemnity/Insurance.* The City shall be indemnified from all third-party claims for personal or property damage arising from the developer's negligent and/or intentional acts and/or omissions during construction, maintenance, and decommissioning of the small principal-scale solar energy system and shall be listed as an additional insured on applicable insurance policies during the life of the project.
  24. *Maintenance and Repair.* Repair, replacement, and maintenance of components is permitted without the need for a new special land use permit. Proposals to change the project footprint of an existing system shall be considered a new application.
  25. *Site Plan Requirements.* Small Principal-Use SES are subject to submittal and approval of a site plan meeting all requirements in Article 21 Site Plan Review, as well as the following requirements:
    - a) Small principal-use SES shall be submitted at a scale of 1" = 200 feet;
    - b) Location of all arrays, including dimensions and layout of arrays, ancillary structures and equipment, utility connections, dwellings on the property and within three-hundred (300) feet of the property lines, any existing and proposed structures, wiring locations, temporary and permanent access drives, fencing details, screening and landscaping detail, and any signage;
    - c) Plan for land clearing and/or grading required for the installation and operation of the system;
    - d) Plan for ground cover establishment and management;
    - e) Anticipated construction schedule;
    - f) Sound modeling study including sound isolines extending from the sound source(s) to the property lines;
    - g) A decommissioning plan in accordance with Section 13.17.R Decommissioning;
    - h) Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application, including but not limited to:
      - 1) Visual Impact Assessment: A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation

measures that would help to reduce the visual impacts created by the project.

- 2) Environmental Analysis: An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
  - 3) Stormwater Study: An analysis by a third-party qualified professional that takes into account the proposed layout of the principal-use scale solar energy system and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
  - 4) Glare Study: An analysis by a third-party qualified professional to determine if glare from the principal-use solar energy system will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influences on the principal-use solar energy system.
26. *As-Built Drawings.* A set of as-built drawings shall be submitted to the City following project completion and prior to energy generation within the project.

E. The following standards are intended to regulate *Principal-Use (Large) Energy Facilities*, as defined in Section 13.14 Renewable Energy Standards Definitions, as a Compatible Renewable Energy Ordinance in accordance with Part 8 of P.A. 233 of 2023.

1. *Application Process.* An electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the City shall follow the following application process, unless exempt as noted in Section 222 (4) of PA 233:
  - a) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the City Manager, or the Manager's designee, to discuss the site plan. The offer to meet must be delivered by email and certified mail and must also be sent to the City Council in care of the City Clerk in the same manner. The Manager or Manager's designee must respond within 30 days from the offer to meet.
  - b) Within 30 days following the meeting described in paragraph 1, the City Manager shall notify the electric provider or IPP planning to construct the energy facility that the City has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the City.
  - c) To file for approval of a permit the electric provider or IPP must submit a complete application to the City Clerk. The application form to be used shall be adopted by resolution of the City Council. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the City may establish an application fee and escrow policy to cover the City's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

2. *Application Requirements.* Any application for a Principal-Use (Large) Energy Facility shall contain all of the following:
- a) The complete name, address, and telephone number of the applicant.
  - b) The planned date for the start of construction and the expected duration of construction.
  - c) A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:
    - 1) A map of all properties upon which any component of a facility or ancillary feature would be located, and for solar energy or energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
    - 2) Lot lines and required setbacks shown and dimensioned.
    - 3) Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
    - 4) A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area.
    - 5) The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
    - 6) A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.
  - d) A description of the expected use of the energy facility.
  - e) Expected public benefits of the proposed energy facility.
  - f) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
  - g) Information on the effects of the proposed energy facility on public health and safety.
  - h) A description of the portion of the community where the energy facility will be located.
  - i) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
  - j) Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
  - k) The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
  - l) Interconnection queue information for the applicable regional transmission organization.
  - m) If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant

industrial property and brownfields, and an explanation of why they were not chosen.

- n) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.
- o) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.
- p) A fire response plan and an emergency response plan.
  - 1) The fire response plan (FRP) shall include:
    - i. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
    - ii. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
    - iii. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
    - iv. For energy storage systems, a commitment to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
    - v. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
    - vi. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
    - vii. Other information the applicant finds relevant.
  - 2) The emergency response plan (ERP) shall include:
    - i. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
    - ii. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
    - iii. Emergency response measures by contingency;

- iv. Evacuation control measures by contingency;
  - v. Community notification procedures by contingency;
  - vi. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
  - vii. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
  - viii. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
  - ix. Other information the applicants finds relevant.
- q) A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
- 1) At least 25% by the start of full commercial operation.
  - 2) At least 50% by the start of the fifth year of commercial operation.
  - 3) 100% by the start of the tenth year of commercial operation.
- r) A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.
- s) A photometric plan to demonstrate compliance with dark sky-friendly lighting solutions.
- t) For energy storage systems, evidence of compliance with NFPA 855 including, but not limited to:
- 1) Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)
  - 2) Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)
  - 3) Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)
3. *Application Review.* The application shall be processed subject to the provisions of this Article. The Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the City Council and the applicant. In consideration of the application, the Planning Commission must approve the application and issue a permit for the requested construction if it complies with the standards as detailed in Section 13.18.D for a large principal-use solar energy system or Section 13.18.E for a large principal-use energy storage system.
4. *Principal-Use (Large) Solar Energy System (SES):* A large principal-use SES is a permitted use in all zoning districts subject to site plan review by the planning commission, and shall meet the following requirements:
- a) *Height.* Total height for a large principal-use SES shall not exceed a maximum of twenty-five (25) feet above ground when the arrays are at maximum tilt.

- b) *Setbacks*: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use SES as follows:
    - 1) 300 feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.
    - 2) 50 feet from the nearest edge of a public road right-of way.
    - 3) 50 feet from the nearest shared property line of non-participating parties.
  - c) *Fencing*: A large principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023 or any applicable successor standard approved by the Michigan Public Service Commission (MPSC) as reasonable and consistent with the purposes of Subsection 226(8) of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1226.
  - d) *Lighting*: A large principal-use SES shall implement dark sky-friendly lighting solutions.
  - e) *Sound*: The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 55 dBA (Leq (1-hour)) at the nearest outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted sound level meter as designed by the American National Standards Institute.
  - f) *Michigan Public Service Commission requirements*: Principal-use large SES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(a)(vi).
5. *Principal-Use (Large) Energy Storage System (ESS)*: A large principal-use energy storage system is a permitted use in all zoning districts subject to site plan review by the planning commission, and shall meet the following requirements:
- a) *NFPA Compliance and other Applicable Codes*: Large principal-use energy storage systems (ESS) shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024, or any applicable successor standard adopted by the MPSC as reasonable and consistent with the purposes of this subsection.
  - b) *Setbacks*: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use ESS as follows:
    - 1) Occupied community buildings and residences on non-participating properties: 300 feet from the nearest point on the outer wall of the building or residence.
    - 2) Public road right of way: 50 feet from the nearest edge of a public road right-of-way.
    - 3) Non-participating parties: 50 feet from the nearest shared property line.
  - c) *Sound*: The sound pressure level of a large principal use ESS shall not exceed a noise level of 55 dBA (Leq (1-hour)) as modeled at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
  - d) *Lighting*: The large principal-use ESS will implement dark sky friendly lighting solutions.
  - e) *Michigan Public Service Commission Requirements*: Large principal-use energy storage systems shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(c)(v).
6. *Issuance and Compliance with Permit*.

- a) Upon approval of an application, the City shall issue the permit to the electric provider or IPP. Construction of the proposed energy facility must begin within 5 years after the date the permit is issued and any challenges to the grant of the permit are concluded. The City Council may extend this timeline at the request of the electric provider or IPP without requiring a new application.
  - b) The permit shall require the electric provider or IPP to remain in compliance at all times with the standards identified for approval of the permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the electric provider or IPP without the written agreement of the City. The energy facility must further comply with all local ordinances, state and federal laws and regulations except as otherwise provided in Section MCL 460.1231. The City shall not revoke a permit except for material noncompliance with the permit by the electric provider or IPP.
  - c) A permit may be transferred to another electric provider or IPP upon the filing with the City of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.
7. *Section Host Community Agreement.* The permit holder shall enter into a host community agreement with the City within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the City \$2,000.00 per megawatt of nameplate capacity located within the City. The payment shall be used as determined by the City for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the City and the permit holder within said 90 days.
  8. *Section Interpretation.* The provisions contained in this Article are intended to meet the definition of a Compatible Renewable Energy Ordinance pursuant to 2023 PA 233, as may be amended, MCL 460.1221 et. seq. and shall only be interpreted in a manner consistent with such intent.

Section 2.     Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Second by Planning Commission Member: Krueger

Yes: Grimes, Krueger, Melen, Wyatt, Binder, Sturgess, Branoff  
No: None

**Meeting Open to Public:** None.

**Remarks by Planning Commission:**

Commissioner Krueger stated it was a good meeting and they got their job done.

**Adjourn**

**Resolution No. 241106-05**

**(Carried)**

Motion by Planning Commission Member Krueger  
Second by Planning Commission Member Binder

**I Move** the Swartz Creek Planning Commission adjourns the November 6, 2024, Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

Meeting adjourned at 8:19 p.m.

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Betty Binder, Secretary



# Adam Zettel, AICP

City Manager

[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

Date: November 26, 2024

**To: Planning Commissioners**  
**From: Adam Zettel, AICP**  
**RE: December 3, 2024 Planning Commission**

Hello everyone,

**We will be meeting at 7:00 p.m. on Tuesday, December 3, 2024.** Commissioners MUST attend in-person. However, we shall be conducting the meeting using the Zoom application for the benefit of the public. If you cannot attend, please let me know.

**The primary purpose of this meeting will be to review a special land use application for child care services at the existing place of assembly located at 6273 Miller Road (Cornerstone Baptist Church).** I am including their application and the staff review letter in the packet. The plans are attached separately in hardcopy due to size.

Note that special land uses are reviewed with a higher level of scrutiny that involves specific standards. The burden of proof is also the petitioner, so it is for them to demonstrate that the use and associated plan meet the standards of the city. It is not incumbent on the commission to find fault with the plan in order to deny it. Please refresh your memory on special land uses by checking out the ordinance [here](#).

See my staff review letter for specific guidance on this project. Note that this review requires a public hearing, so notice has gone into the newspaper, as well as to those within 300' of the site.

If you have any comments or questions, please contact me directly.

Sincerely,



---

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org)

<ftp://cityofswartzcreek.org>

December 3, 2024  
Planning Commission

Adam H. Zettel, AICP  
City Manager  
City of Swartz Creek  
[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)



**APPLICATION FOR SPECIAL USE APPROVAL**

**City of Swartz Creek**  
*(An Equal Opportunity Employer)*  
**8083 Civic Drive**  
**Swartz Creek, MI 48473**  
**810-635-4464**

To: City Clerk    Date: 10 / 11 / 24    Paid: 325.<sup>00</sup>    Receipt No: 293843

**NOTICE TO APPLICANT:**

Regular meetings of the Swartz Creek Planning Commission are held on the 1<sup>st</sup> Tuesday of each month at 7:00 PM, at the City Hall, 8083 Civic Dr. Application for Special Use shall be filed at least thirty (30) days before the scheduled meeting date.

**TO THE PLANNING COMMISSION**

I, (We), the undersigned do hereby respectfully make application and petition the Planning Commission to call a special hearing to determine whether there are objections for the use of said property as follows:

Child daycare services within the existing Cornerstone Baptist Church located at:

6273 Miller Road, Swartz Creek, Michigan 48473

1. The property sought to be used as a "Special Use" is located and described, as follows: Assessment Roll Description No. 58- 31 - 200 - 017 ,

ALL THAT PART OF W 1/2 OF W 1/2 OF NE 1/4 LYING NLY OF SWARTZ CREEK AND SLY OF M 78 EXCEPT A PARCEL OF LAND BEG AT INTERSECTION OF M 78 R/W AND N AND S 1/4 LINE TH S 220 FT TH NELY PARALLEL TO M 78 110 FT TH N N 200 FT TH WLY 110 FT TO PL OF BEG ALSO EXCEPT A PARCEL OF LAND BEG AT INTERSECTION OF C L OF SWARTZ CREEK AND N AND S 1/4 LINE TH N TO A POINT THAT IS 576.01 FT N OF INTERIOR 1/4 COR OF SEC TH E 100 FT TH S TO C L OF SWARTZ CREEK TH WLY ALONG C L OF SWARTZ CREEK TO PL OF BEG. SEC 31 T7N R6E 12.9 A.

2. The property sought for "Special Use" is owned by:

Name: Cornerstone Baptist Church (Resident Agent: Pastor Nathan Brown)

Address: 6273 Miller Road, Swartz Creek, Michigan 48473

3. Requirements:

4. It is desired and requested that the foregoing described property be given a "Special Use" permit for:

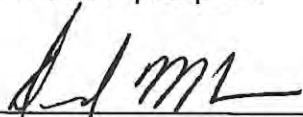
Child daycare services.

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5. We attach a statement hereto indicating why we request the "Special Use" of this property so stated, and why such will not be detrimental to the public welfare, nor the property of other persons in the vicinity thereof.

6. Submit plot plan.

 (David McLane, AIA, NCARB)  
Signature of Applicant

AMAG, LLC - 4488 West Bristol Road, Suite 200, Flint, MI 48507

Address

O: (810) 230-9311

Phone Number: C: (810) 569-1082 Email Address: dmclane@amagarch.com

-----  
A. Action Taken by the Planning Commission:

1. Date of first appearance of applicant: \_\_\_/\_\_\_/\_\_\_
2. Date of Public Hearing: \_\_\_/\_\_\_/\_\_\_
3. Findings of Planning Commission:

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B. Determination:

# Adam Zettel, AICP

City Manager

[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

Date: November 26, 2024

Attention: Swartz Creek Planning Commission

Subject: **Special Land Use (Cornerstone Baptist Church): Child Day Care**  
Parcel: 6273 Miller Road, PID 58-31-200-017  
See attached, application and plans dated October 11, 2024

Dear Chairman and Commissioners:

City staff has reviewed the above application submitted by Cornerstone Baptist Church to convert space within their existing church structure to Child Day Care. This is a Special Land Use under 13.08 of the Zoning Ordinance. The property is zoning R-1 Residential. The primary use is a Place of Assembly.

## APPLICATION SUBMISSION

The application for the special land use was submitted by Pastor Nathan Brown on behalf of the Cornerstone Baptist Church. The application was accompanied by a five page site plan. Submitted materials are adequate for review. Note that no exterior alterations or additions are proposed.

## GENERAL STANDARDS REVIEW COMMENTS

The special land use application has been reviewed utilizing the general standards outlined in *Section 30.02* of the Swartz Creek Zoning Ordinance. The Planning Commission shall grant special land use approval if these standards are met.

1. *Be consistent with the goals, objectives, and future land use plan described in the City of Swartz Creek Master Plan.*

## Finding: No Adverse Findings

The use of Child Day Care is important to supporting a strong residential and business environment. This site is built to accommodate large scale use as a place of assembly. It contains adequate parking, a play area, open space, security, and

---

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

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access. The use is found be staff to be beneficial to the community, and the impact should be negligible.

2. *Be consistent with the stated intent of the zoning district.*

**Finding: No Adverse Findings**

Child Day Care is permitted in R-1 Residential as a special land use, as long as that use is accessory to a primary use. The zoning code implies that such child care should not disrupt stable residential neighborhoods by inserting a business use into a residential structure or setting without a high level of scrutiny. The site in question is already established as a legal place of assembly within the district, thereby not requiring changes that would be disruptive to a residential setting. .

3. *Be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.*

**Finding: No Adverse Findings**

As noted above, the site should not undergo any discernable exterior changes, nor is any noticeable operational change expected. The site is property sized and is located in an area with good major street access. It is surrounded by office use, the Swartz Creek, and some distant single family homes. The facilities meet setback requirements.

Note that the previous site plan required landscaping in the form of deciduous trees to be planted along the Miller Road frontage as part of the site plan approval requirements. The site was delivered a certificate of occupancy without completion of the landscaping plan. The commission should consider if the required plantings serve an important purpose in maintaining the site compatibility with the intent of the zoning district.

4. *Will not significantly impact the natural environment.*

**Finding: No Adverse Findings**

No issues are identified.

- 5. Be served adequately by public facilities and services, such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.*

**Finding: No Adverse Findings**

The site is served with large scale water and sewer public utilities. The proposed use should not have an adverse impact upon public services. Input from the City Fire Chief and Police Chief will also be considered.

- 6. Be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, proximity and relationship to intersections, adequacy to sight distances, location and access of off-street parking and provisions for pedestrian traffic.*

**Finding: No Adverse Findings**

The site offers a high level of ingress, egress, drop off, and parking amenities to serve as a place of assembly. No traffic issues appear to present themselves. The site does not offer pedestrian amenities currently and is not connected to any adjacent or public pedestrian facilities.

- 7. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.*

**Finding: No Adverse Findings**

With the exception of the noted missing landscaping, the site appears to be in compliance with the ordinance and is not proposed to alter any noted features.

- 8. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.*

**Finding: Subject to planning commission review**

As noted, the site is not proposed to be altered at all from a design perspective and is known to function without any issues. The new use is not likely to create any observable change in the function of the property. With the exception of the noted landscaping, the site appears to satisfy all needs as a place of assembly and child day care.

Because some of these findings are subjective, the input of the public and commission is required to complete this review.

### **SPECIFIC STANDARDS REVIEW COMMENTS**

There are not any specific standards for review of a Child Daycare Center.

### **RECOMMENDATION**

Staff finds no areas of noncompliance or adverse impact. However, I seek the input of the commission as it relates to the deficient landscaping as a potential condition of approval. It stands to reason that the site should not be altered, intensified, or amended without complying with the standards set for a place of assembly, as reflected in the previous site plan.

Please contact me directly if you have any comments or inquiries on the matter. I am happy to receive comments in person, in writing, over the phone, or via e-mail.

Sincerely,



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