

COHOCTAH TOWNSHIP

RESOLUTION NO. _____

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND THE ZONING
ORDINANCE REGARDING A RENEWABLE ENERGY OVERLAY DISTRICT**

At a meeting of the Township Board for the Township of Cohoctah, Livingston County, Michigan, held on the 14th day of November, 2024, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____
and seconded by _____.

WHEREAS, the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended, authorizes townships to adopt and amend zoning ordinances to regulate the use of land and structures within their zoning jurisdictions; and

WHEREAS, the Cohoctah Township Board (“Township Board”) has adopted such a zoning ordinance (“Zoning Ordinance”); and

WHEREAS, the Township Board desires to consider amendments to the Zoning Ordinance to regulate the location of additional renewable energy land uses and structures within the Township; and

WHEREAS, on July 25, 2024, the Township Planning Commission (“Planning Commission”) published notice of a special meeting and public hearing on the Proposed Amendments (“Notice”); and

WHEREAS, the Notice specified which properties, identified by parcel numbers 4702-22-100-004, 4702-22-100-009, 4702-22-200-011, 4702-22-400-010, and 4702-23-100-004 (the “Overlay Properties”), would be added to a new Renewable Energy Overlay District; and

WHEREAS, the Notice was mailed to all owners of properties within 300 feet of the Overlay Properties and the occupants of all structures within 300 of the Overlay Properties; and

WHEREAS, on August 13, 2024, Planning Commission held a duly noticed public hearing and special meeting to consider the amendments to the Zoning Ordinance to establish a new Renewable Energy Overlay District; and

WHEREAS, at its August 13, 2024 meeting, the Planning Commission discussed expanding and renaming the Solar Energy Overlay District and permitting utility-scale win, solar, and battery energy storage systems to be permitted as special land uses within the Overlay District (“Proposed Amendments”); and

WHEREAS, the Planning Commission recommended the adoption of the Proposed Amendments to the Township Board; and

WHEREAS, after the Planning Commission’s August 13, 2024, public hearing it transmitted the Proposed Amendments to the Livingston County Planning Commission for review pursuant to MCL 125.3307; and

WHEREAS, the Livingston County Planning Commission’s right to review the Proposed Amendments and make recommendations is deemed waived because the thirty (30) day period for such review and recommendation has ended, pursuant MCL 125.3307(3); and

WHEREAS, the Township discussed the Proposed Amendments at its public meeting on November 14, 2024; and

WHEREAS, the Township determined to amend the Proposed Amendments as reflected in Ordinance No. ____, An Ordinance to Amend the Zoning Ordinance Regarding a Renewable Energy Overlay District (the “Ordinance”), attached as **Exhibit A**, and

WHEREAS, the Township now desires to adopt the Ordinance; and

WHEREAS, the Township Board finds the Ordinance promotes public health, safety, and welfare.

NOW, THEREFORE, the Cohoctah Township Board resolves as follows:

1. Ordinance No. 2024-____, An Ordinance to Amend the Zoning Ordinance Regarding a Renewable Energy Overlay District (the "Ordinance"), attached as **Exhibit A**, is hereby adopted.

2. The Ordinance will be filed with the Township Clerk.

3. The Township Clerk is to publish notice of adoption of the Ordinance, substantially similar to **Exhibit B**, in a newspaper of general circulation in the Township.

4. Any resolutions that conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

I, the undersigned, the duly qualified and acting Clerk for Cohoctah Township, Livingston County, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a meeting held on the 14th day of November, 2024.

Barb Fear, Township Clerk

EXHIBIT A
COHOCTAH TOWNSHIP
ORDINANCE NO. ____
AN ORDINANCE TO AMEND THE ZONING ORDINANCE
REGARDING A RENEWABLE ENERGY OVERLAY DISTRICT

The Township of Cohoctah ordains:

Section 1. Addition of New Article 33 to the Zoning Ordinance.

A new Article 33, “Renewable Energy Overlay District,” is added to the Zoning Ordinance and reads in its entirety as follows:

Section 33.01. Purpose and Findings

- A. Purpose. The Renewable Energy Overlay District (the “District”) is intended to provide suitable locations for renewable energy systems that are otherwise authorized under state law and the Township’s Code of Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for this land use in the Township. It is the intent of the Township to permit these systems to the extent a demonstrated need exists for the land use by regulating the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of renewable energy systems. The Township seeks to preserve its rural character and agricultural heritage. To these ends, the lands included in this District are within reasonable proximity to existing electric power transmission infrastructure.
- B. Findings. In establishing this overlay district, the Township of Cohoctah finds as follows:
1. It is necessary and reasonable to permit renewable energy systems in the Township to the extent that there is a demonstrated need for that land use.
 2. Land use for renewable energy systems beyond a reasonable and legitimate demonstrated need to provide for the Township’s energy needs would have needless adverse effects on surrounding businesses and residences, and be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
 3. The Township wishes to preserve its existing topography and rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents while preserving the environment and protecting wildlife.
 4. Renewable energy systems can adversely impact the health, safety, welfare, and prosperity of that community, including existing property values, especially when in proximity to farms, forests, and residential properties.
 5. Renewable energy systems shall be carefully managed to reduce the adverse long-term effects such land use can have on the productivity of farmland. *See, e.g.,*

University of Michigan Graham Sustainability Institute & Michigan State University Extension, “Planning & Zoning for Wind Energy Systems.”

6. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production.
7. The Township contributes significant storm water runoff into adjacent municipalities because of relative elevations, and therefore the Township values low-impact development to better manage its stormwater runoff.
8. Impervious surfaces, such as wind turbines, solar, panels, channel stormwater runoff, and support posts and trenching are likely to damage drain tiles. Thus, renewable energy systems must be carefully sited, designed, and limited in scope.
9. The Township adopts these land use regulations to balance any demonstrated need for renewable energy systems in the Township with the public, health, and safety impacts identified above.

Section 33.02. Delineation of the Renewable Energy Overlay District

The Renewable Energy Overlay District (REO) overlays existing zoning districts delineated on the official Township Zoning Map. The following parcels within the Township compromise the Renewable Energy Overlay District:

- | | | |
|-----------------|-----------------|-----------------|
| 4702-22-100-004 | 4702-22-200-011 | 4702-23-100-004 |
| 4702-22-100-009 | 4702-22-400-010 | |

Section 33.03. Permitted Principal Uses.

There are no uses permitted by right in the Renewable Energy Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 33.04. Permitted Principal Special Uses with Conditions.

The following uses are permitted following approval by the Planning Commission as a Special Land Use in the Renewable Energy Overlay District, subject to the provisions of Article XIII, “Special Uses,” and Article XX, “Site Plan Review Procedures”:

- A. Utility-Scale Wind Energy Systems
- B. Utility-Scale Battery Energy Storage Systems
- C. Utility-Scale Solar Energy Systems

Section 2. Amendments to Section 3.01.

Section 3.01 of the Zoning Ordinance, entitled “Establishment of Districts,” is amended by the addition of the following text:

Article XXXIII	REO	Renewable Energy Overlay District
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Section 3. Amendments to Section 16.57.

The text of Section 16.57(C) is amended to replace “Wind Energy System Overlay District” with “Renewable Energy Overlay District” as follows, where a strikethrough indicates deletion of text and bold font indicates the addition of text:

- C. Utility-Scale Wind Energy Systems. Utility-Scale Wind Energy Systems are permitted by Special Land Use approval in the ~~Wind Energy System Overlay District~~ **Renewable Energy Overlay District and Solar Energy Systems District** and require a special land use permit under Article 5 and site plan approval under Article 4. Utility-Scale Wind Energy Systems are also subject to the following requirements:

...

- 4. System and Location Requirements.
 - a. Utility-Scale Wind Energy Systems are to be located only in the ~~Wind Energy System Overlay District~~ **Renewable Energy Overlay District or Solar Energy Systems District**.

Section 4. Amendment to Section 13.28(A)(3).

Section 13.28(A)(3) of the Zoning Ordinance is amended by the addition of new subsection (b), which reads in its entirety as follows:

- b. Renewable Energy Overlay District

Section 5. Amendment to Section 13.27(D).

Section 13.27(D) of the Zoning Ordinance is amended by the addition of the following text indicated in bold font:

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more, which shall only be allowed in the Solar Energy System Overlay District **and Renewable Energy Overlay District** by special use permit. To the extent the following provisions conflict with the provisions in subsection C above (“Utility-Scale Solar Energy Systems”), the provisions below control as to such Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more. All provisions in subsection C above that do not conflict with this subsection remain in full force and effect and shall be applicable to all Utility-Scale Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

Section 6. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 7. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date.

This Ordinance takes effect seven days after publication as provided by law.

EXHIBIT B

**COHOCTAH TOWNSHIP
NOTICE OF ORDINANCE ADOPTION AND SUMMARY**

TAKE NOTICE that at a meeting on November 14, 2024, the Township of Cohoctah adopted Ordinance No. ____, An Ordinance to Amend the Zoning Ordinance Regarding a Renewable Energy Overlay District (the “Ordinance”). The Ordinance is available for inspection at the Township Hall, 10518 Antcliff Road, Fowlerville, MI 48836, during regular office hours. Copies of the Ordinance may be obtained for a reasonable charge. The Ordinance takes effect seven (7) days after the publication of this Notice and Summary. A summary of the Ordinance follows:

SUMMARY OF ORDINANCE NO. ____

Section 1. New Renewable Energy Overlay District. Section 1 of the Ordinance creates a new Article 33, “Renewable Energy Overlay District,” of the Zoning Ordinance. Article 33 establishes the Renewable Energy Overlay District, which consists of the following properties:

4702-22-100-004 4702-22-100-009 4702-22-200-011 4702-22-400-010
4702-23-100-004

Utility-scale wind energy systems, Utility-scale solar energy systems, and Utility-scale battery energy storage systems are permitted special land uses within the Renewable Energy Overlay District.

Section 2. Amendment to Section 3.01. Section 2 of the Ordinance amends Section 3.01 of the Zoning Ordinance to add the Renewable Energy Overlay District to the chart of zoning districts.

Section 3. Amendment to Section 16.57. Section 3 of the Ordinance amends Section 16.57 of the Zoning Ordinance to replace “Wind Energy System Overlay District” with “Renewable Energy Overlay District.”

Section 4. Amendment to Section 13.28. Section 4 of the Ordinance amends Section 13.28(A)(3) of the Zoning Ordinance to add utility-scale battery energy storage systems as a special land use in the Renewable Energy Overlay District.

Section 5. Amendment to Section 13.27. Section 5 of the Ordinance amends Section 13.27(D) of the Zoning Ordinance to add utility-scale solar energy systems as a special land use in the Renewable Energy Overlay District.

Section 6. Validity and Severability. Section 6 of the Ordinance makes its provisions severable.

Section 7. Repealer. Section 7 of the Ordinance repeals any ordinances or parts of ordinances that conflict with the Ordinance to the extent necessary to give the Ordinance full force and effect.

Section 8. Effective Date. Section 8 of the Ordinance states that the Ordinance takes effect seven (7) days after its publication.

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