

CHARTER TOWNSHIP OF UNION
NOTICE OF PUBLICATION BY POSTING A SUMMARY OF THE
PROPOSED ZONING ORDINANCE AMENDATORY ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees held a first reading of the proposed PTXT24-02 Zoning Ordinance Amendatory Ordinance on October 23, 2024 in the Township Hall Board Room. The ordinance will be considered for a second reading and adoption at the regular Board of Trustees meeting on November 13, 2024, which will also be held in the Township Hall Board Room at 2010 S. Lincoln Road, Mt. Pleasant, MI 48858.

A true copy of the proposed ordinance may be inspected or obtained upon request during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, or on the Township's website. The following is a summary of the ordinance:

Part 1 [Title] establishes the title of the ordinance.

Part 2 [Delete and Replace subsections "D." through "O." of Section 14.2 (Site Plan Review)] to revise the review procedures and flowchart illustrations for various types of site plan approvals.

Part 3 [Delete and Replace Section 12.5 (Nonconforming Sites)] to add authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval.

Part 4 [Repeal] confirms the repeal of Township ordinances or parts thereof that conflict with provisions of this Ordinance.

Part 5 [Severability] confirms that ordinance elements are severable as provided by law.

Part 6 [Publication] confirms that state law publication requirements will be met.

Part 7 [Effective Date] establishes the effective date of the ordinance, based on adoption and publication requirements.

Publication of the ordinance was made by this notice and posting of the true copy of the proposed ordinance at the Charter Township of Union office and on the Township's website pursuant to the requirements of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34).

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

ORDINANCE NO. 24-05

An ordinance to delete and replace in their entirety subsections “D.” through “O.” of Section 14.2 (Site Plan Review) of the Charter Township of Union Zoning Ordinance No. 20-06 for the purpose of revising review procedures and flowchart illustrations for the types of site plan reviews; to amend Section 12.5 (Nonconforming Sites) to clarify authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval; and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

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

PART ONE – Title

This Ordinance shall be known and may be referred to as “Ordinance Number 24-05 Amending the Charter Township of Union Zoning Ordinance.”

PART TWO – Delete and Replace subsections “D.” through “O.” of Section 14.2 (Site Plan Review)

The text and illustrations of subsections “D.” through “O.” of Section 14.2 (Site Plan Review) are hereby deleted and replaced in their entirety to revise the review procedures and flowchart illustrations for various types of site plan approvals, as follows:

Section 14.02 Site Plan Review.

D. Fees and Escrow Deposits.

Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No action shall be taken on an application for which a required fee or escrow deposit has not been paid in full.

E. Pre-Application Meetings.

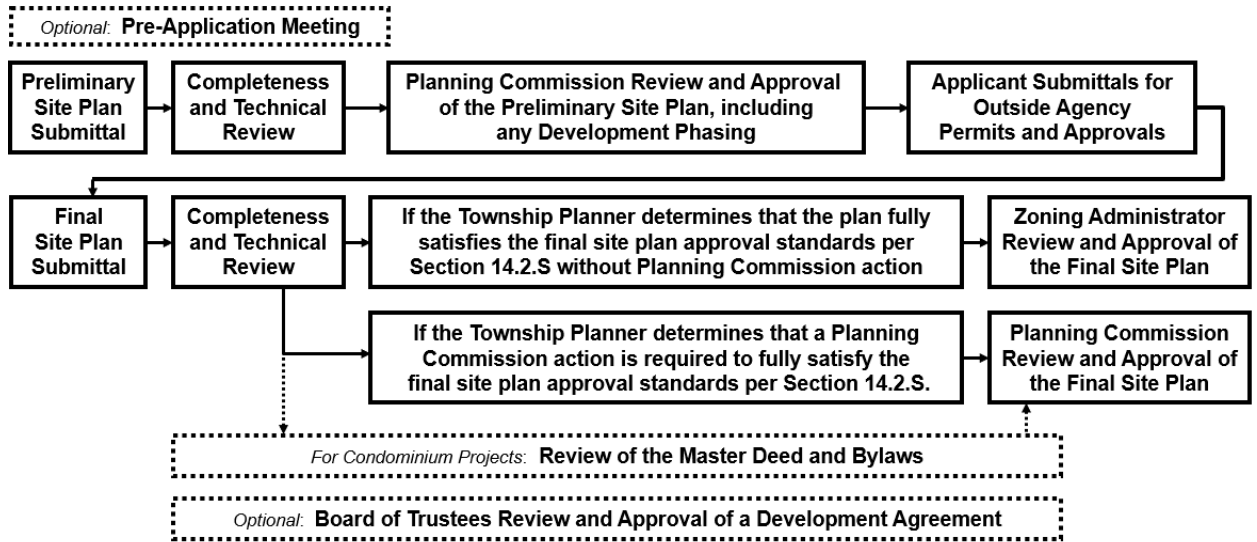
An applicant may request a pre-application meeting with the Township Planner and Zoning Administrator to discuss conceptual plans, ordinance requirements, and review procedures. Upon request, other Township staff or outside agency representatives may be invited to attend the pre-application meeting. Comments shall be advisory only. Any required fee shall be paid to the Township prior to the meeting.

F. Application Information.

The following minimum information shall be required with any application for site plan approval:

1. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
2. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
3. A legal description of the property, including street address(es) and tax code number(s).
4. A description of the proposed use.
5. A site plan meeting the minimum information requirements of Section 14.02.P. (Required Site Plan Information) for the type of site plan applicable to the project.

G. Preliminary and Final Site Plan Approval Process.



Preliminary and Final Site Plan Approval Process

H. Filing of Preliminary Site Plan Application and Technical Review.

Applications for preliminary site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A preliminary site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete preliminary site plan application shall include, at a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, eleven (11) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to Planning Commission consideration, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.

I. Preliminary Site Plan Review and Action.

The Planning Commission shall review the application materials and site plan, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:

1. Approval. The Planning Commission shall approve the preliminary site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
2. Approval with conditions. The Planning Commission may approve the preliminary site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
3. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
4. Denial. Upon determination that the preliminary site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

5. Recording of Planning Commission action. Planning Commission action on the preliminary site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the preliminary site plan action and update the Township's record for the application to include a copy of the approved meeting minutes.
6. Effect of preliminary site plan approval. Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, roads, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 14.2.S. The Planning Commission may, at its discretion and with appropriate conditions attached, authorize limited work to begin for soils exploration, incidental site clearing, and other preliminary site work as specified in the authorization. At a minimum, the required conditions for any authorization shall include compliance with all applicable Township and outside agency permitting requirements, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and submittal of an acceptable performance guarantee for site restoration if work does not proceed to completion.

J. Outside Agency Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to submittal of an application for final site plan approval. Documentation of necessary outside agency permits or approvals shall be submitted to the Zoning Administrator.

K. Filing of Final Site Plan Application and Technical Review.

Applications for final site plan approval shall be submitted and reviewed as follows:

1. Eligibility. With the exception of a combined preliminary and final site plan approval application as allowed per Section 14.2.M. (Combining Preliminary and Final Site Plans), a final site plan application shall not be accepted by the Township without valid prior approval of a preliminary site plan for the same project.
2. Submittal of a complete application. A final site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete final site plan application shall include:
 - a. At a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, documentation of all required outside agency permits or approvals, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, three (3) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
 - b. If the Township Planner finds that a Planning Commission review and action is necessary (see Section 14.2.L.3.), then the applicant will need to submit to the Township Hall a sufficient number of additional reduced 11-inch by 17-inch printed site plan sets for all Planning Commission members.

L. Final Site Plan Review and Action.

Applications for final site plan approval shall be submitted and reviewed as follows:

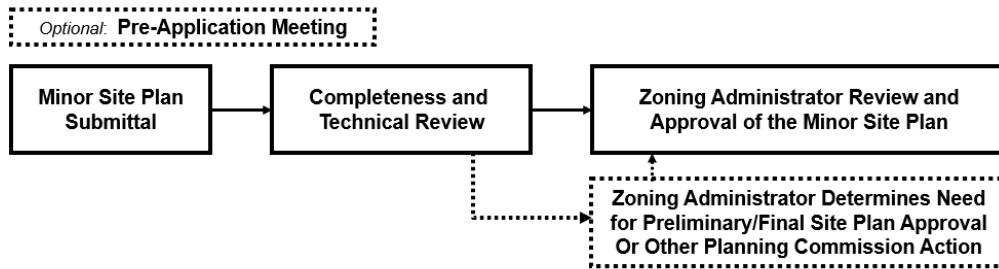
1. Completeness and technical review. Prior to final consideration and action, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
2. Limited authority for Zoning Administrator approval of a final site plan. If the Township Planner determines that the final site plan fully satisfies all applicable standards for final site plan approval as specified in Section 14.2.S. (Standards for Site Plan Approval), then the Zoning Administrator shall have authority to take final action to approve the site plan as presented.
 - a. The Zoning Administrator shall not have authority to approve a final site plan with conditions or to deny a final site plan approval.
 - b. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to note the approval.

3. Planning Commission authority for all other final site plan applications. If the Township Planner finds that a Planning Commission review and action is necessary before compliance with Section 14.2.S. (Standards for Site Plan Approval) could be determined, then the application materials and final site plan shall be forwarded to the Planning Commission for their review, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:
 - a. Approval. The Planning Commission shall approve the final site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
 - b. Approval with conditions. The Planning Commission may approve the final site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
 - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
 - d. Denial. Upon determination that the final site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.
4. Recording of Planning Commission action. Planning Commission action on the final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to include a copy of the approved meeting minutes.
5. Effect of Final Site Plan Action. Approval of a final site plan by the Zoning Administrator constitutes the final zoning approval for the project and allows for issuance of a building permit to begin site work or construction, provided all other construction and engineering requirements have been met [see also Section 19.10 (Development Agreement)].

M. Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary site plan and a final site plan into one (1) consolidated application for approval. The applicant shall pay the required fees and escrow deposit for both preliminary and final site plan review. The Planning Commission shall have the authority to grant only a preliminary site plan approval or to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the completeness of the site plan or complexity or size of the proposed development so warrant. Preliminary and final site plan approval applications shall not be combined for any multi-phase development.

N. Minor Site Plan Approval Process.



Minor Site Plan Approval Process

O. Minor Site Plan Applications, Review, and Action.

Applications for minor site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A minor site plan application shall be filed at the Township Hall a minimum of one (1) completed and signed copy of the required application form, the required fee, two (2) printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to final consideration and action, the Zoning Administrator shall review the application materials and site plan for completeness, accuracy, and compliance with all applicable requirements and standards of this Ordinance and other Township ordinances. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. Referral of a minor site plan application to the Planning Commission. Upon determination that the proposed project scope warrants a more comprehensive review under the standards for preliminary and final site plan approval applications (see Section 14.2.G. (Preliminary and Final Site Plan Approval Process), the Zoning Administrator shall return the minor site plan application to the applicant with direction to submit a preliminary site plan approval application instead. Upon determination that an element of the site plan requires a Planning Commission action prior to final administrative approval of the minor site plan, the Zoning Administrator shall forward the application materials and site plan to the Planning Commission for their review and action.
4. Zoning Administrator review and action. The Zoning Administrator shall review the application materials and site plan, shall identify and evaluate all relevant factors, and shall then take action to approve the minor site plan, to approve the minor site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain, as follows:
 - a. Approval. The Zoning Administrator shall approve the minor site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
 - b. Approval with conditions. The Zoning Administrator may approve the minor site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
 - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, or upon request by the applicant, the Zoning Administrator may postpone until a date certain further consideration with direction given to the applicant of the deadline date and any details or revisions needed prior to further review and action.
 - d. Denial. Upon determination that the minor site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied.
5. Recording of minor site plan action. The Zoning Administrator shall promptly notify the applicant of the final action on the minor site plan and update the Township's record for the application. If the minor site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

PART THREE – Delete and Replace Section 12.5 (Nonconforming Sites)

The text of Section 12.5 (Nonconforming Sites) is hereby deleted and replaced in its entirety to add authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval, as follows:

Section 12.5 Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design requirements of this Ordinance were established or amended. This Section establishes requirements for prioritizing improvements to existing nonconforming sites that are intended to gradually bring the site into compliance with current Ordinance requirements. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts and improving emergency access.
- C. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission for preliminary and final site plan approval applications, or by the Zoning Administrator for minor site plan applications:
 1. Preservation of natural resources or historical site features.
 2. Pedestrian access improvements.
 3. Vehicular access and circulation improvements.
 4. Building design or exterior facade improvements.
 5. Off-street parking or loading improvements.
 6. Landscaping improvements.
 7. Screening and buffering improvements.
 8. Exterior lighting improvements.
 9. Drainage and stormwater management improvements.
- D. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
- E. The scope of any additional site improvements requested by the Planning Commission, or by the Zoning Administrator for minor site plan applications, shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- F. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

PART FOUR – Repeal

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

PART FIVE – Severability

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

PART SIX – Publication

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

PART SEVEN – Effective Date

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on _____, 2024, after initiation and a public hearing by the Planning Commission on September 17, 2024 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Board of Trustees on October 23, 2024 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on _____, 2024, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE

I, Lisa Cody, the duly elected Clerk of The Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the _____ day of _____, 2024, at which the following members of the Board of Trustees were present and voted in person as follows:

<u>Board of Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

I further certify that a summary and notice of adoption of this Ordinance were published in The Morning Sun, a newspaper of general circulation in The Charter Township of Union on _____, 2024.

Certification Date: _____, 2024

Lisa Cody, Clerk

I, Bryan Mielke, the duly elected Supervisor of The Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

Bryan Mielke, Supervisor

Date: _____, 2024